



Family
Justice
Council

FAMILY JUSTICE COUNCIL
REPORT AND ACCOUNTS 2005 – 2006



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FOREWORD BY THE PRESIDENT

I am delighted to be able to publish this first Annual Report on the work of the Family Justice Council. Since its inception in July 2004, the Council has made great strides in integrating and taking forward the work of a number of predecessor bodies in family justice. It is now accepted as the primary body for promoting an interdisciplinary approach to family justice.

This is so important. One great feature of family justice, which distinguishes it from other branches of the law, is that the involvement of children usually means that litigants will need to co-operate closely with each other in the future. In contrast, in other branches of civil litigation, the parties will often never have contact with each other again.

This puts a premium on family justice achieving what the Dartington Hall 2005 Conference (covered in this report) aptly described as 'durable solutions'. In finding solutions which families can make work, not only next week but next year, the involvement of a wide range of professionals is key.

I am therefore particularly grateful to the wide range of professionals who, as members of the Council or of its committees, have freely given of their time, energy and expertise in order to contribute to the Council achieving the advances detailed in this Report.

As an advisory body the Council relies particularly on establishing good relationships with a wide range of those involved in running the family justice system. We have therefore been fortunate in having the continuing help and support of the Department for Constitutional Affairs and the Department for Education and Skills in taking forward our work.

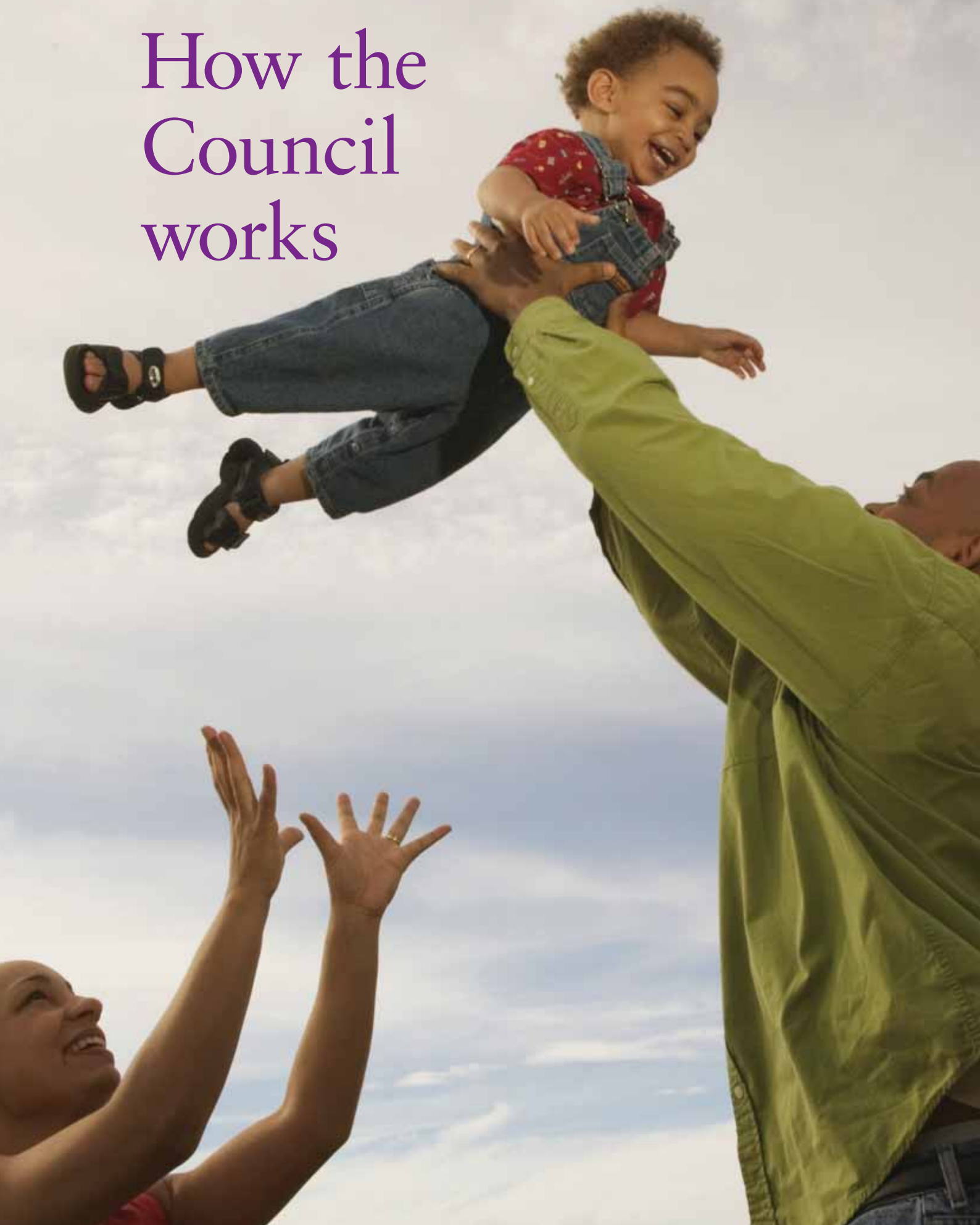
Lastly I would like to thank our secretariat, which continues to do so much hard work behind the scenes in order to enable our work to progress.



Sir Mark Potter
President

CHAPTER 1

How the Council works



- 1.1 This is the first published Annual Report of the Family Justice Council. The Council was, however, created in July 2004 and this report therefore in practice covers the outcomes of the work of nearly the first two years of the Council's existence. Details of the Council's activities and the key issues it has tackled in 2005–06 are set out in Chapter 2. The Council is a non-statutory advisory Non Departmental Public body, sponsored by the Department for Constitutional Affairs (DCA). It was established on 1 July 2004 as an outcome of the responses to the then Lord Chancellor's Department's March 2002 consultation paper on 'Promoting Inter-Agency Working in the Family Justice System'.

THE PRIMARY ROLE OF THE FAMILY JUSTICE COUNCIL

- 1.2 The Council's primary role is to promote an inter-disciplinary approach to family justice, and through consultation and research, to monitor how effectively the system both as a whole and through its component parts delivers the service the Government and the public need, and to advise on reforms necessary for continuous improvement. The formal terms of reference set by the Secretary of State and Lord Chancellor at the Council's inception are attached at Annex A to this Report. These are currently under review.

COMPOSITION OF THE COUNCIL

- 1.3 The Family Justice Council consists of a representative cross-section of those who work, use or have an interest in, the family justice system. A full list of the members is attached at Annex B. The Council is chaired by the President of the Family Division, Sir Mark Potter. Its Deputy Chair is Lord Justice Thorpe, the Deputy Head of Family Law. Its members include:

- a Family Division High Court Judge
- a Circuit Judge
- a District Judge (County courts)
- a District Judge (Magistrates' courts)
- a lay magistrate
- a Justices' Clerk
- two family barristers
- two family solicitors
- a family mediator
- a paediatrician
- a child mental health specialist
- a director of local authority social and children's services
- an academic
- two persons appointed for their knowledge of family justice from a children's and a parent's point of view respectively.

In addition the Council has ex officio representatives from the following organisations:

- CAFCASS
- CAFCASS Cymru
- the Children's Commissioners for England and for Wales
- the Department for Constitutional Affairs (DCA)
- the Department for Education and Skills (DfES)
- the Department of Health (DH)
- the Foreign and Commonwealth Office (FCO)
- the Home Office (HO)
- the Legal Services Commission (LSC)
- HM Courts Service
- the Association of Chief Police Officers (ACPO).

These representatives attend meetings where there is business which concerns them.

STRUCTURE OF THE FAMILY JUSTICE COUNCIL AND ITS COMMITTEES

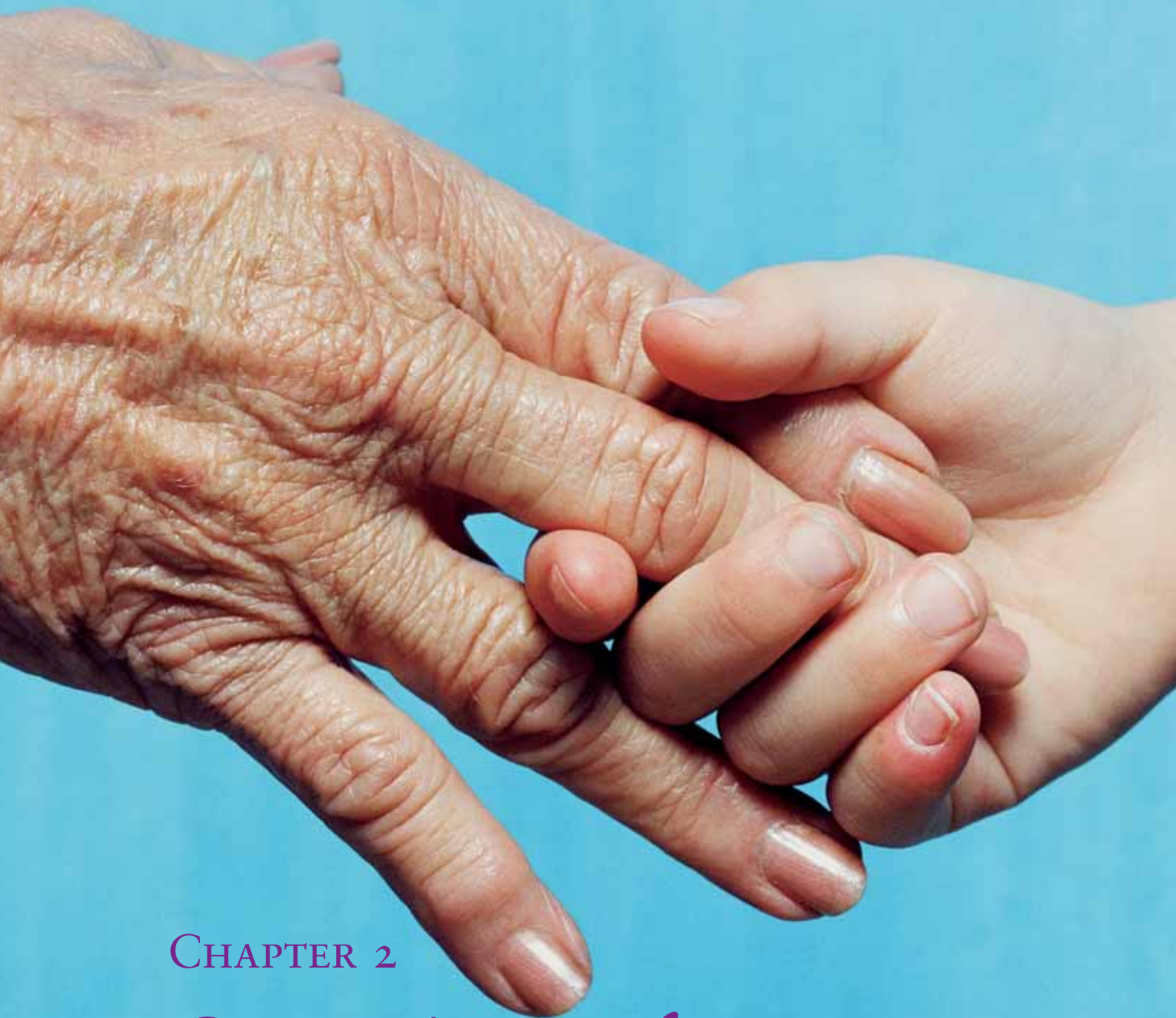
- 1.4 The Family Justice Council has 30 members (including the ex officio representatives).
- 1.5 There is an Executive Committee of 11 members of the full Council, which makes the more detailed management and planning decisions. Since April 2006 its members are the Deputy Chair of the Council, the Chairs of the Committees dealing with Children in Safeguarding Proceedings, Children in Families, and Money and Property, the Chair of the Education and Training Committee, the Chair of the Diversity Group, a representative of the Local FJCs, a nominee from the Experts Committee, a legal adviser and representatives from the DCA and the DfES.
- 1.6 The Council's more detailed work is carried out by a matrix of subject-based committees. In April 2006 the committee structure was revised. Since that date there have been three main committees dealing with Children in Safeguarding Proceedings (Children Act 1989 and Adoption and Children Act 2002); Children in Families (Children Act 1989 and Family Law Act 1996); and Money and Property (Matrimonial Causes Act 1973). In addition there is a cross-cutting Experts Committee and cross-cutting working groups on Domestic Violence, Education and Training, Contact, Voice of the Child, Diversity and Transparency. The committees and working groups contain a number of co-opted members, who are experts in relevant fields, but who are not members of the full Council, as well as relevant Council members.
- 1.7 Chapters 3 to 7 contain reports on the work of the three main committees, the Experts Committee, the Domestic Violence working group and the group which has considered the perspectives of users of the Family Justice System. The other working groups are all of relatively recent origin and their work does not merit reporting separately. There is, however, also a report in Chapter 8 of the work of the International Committee. This Committee was sponsored by the Council until December 2005, when it seemed preferable to return it to its previous status of direct sponsorship by the President of the Family Division, since its work had little connection with the other work of the Council.
- 1.8 There is also an ad hoc Dartington Conference Planning Committee, which meets to arrange the two yearly interdisciplinary residential conferences at Dartington Hall, Totnes in Devon. A report on the 2005 conference is at Chapter 9 of this report.
- 1.9 A diagram setting out the Council and Committee organisational structure is set out at the end of this Chapter.

MEETINGS OF THE COUNCIL

- 1.10 The full national Council meets quarterly (so far in July, October, January and April of each year). It has thus held eight meetings since its creation in July 2004. Chapter 10 gives detail on the work of the 41 Local Family Justice Councils (LFJCs) throughout the year. The national Council's April 2006 meeting was linked to a residential conference in Bath for representatives of the LFJCs. A report on this conference is at Chapter 11 of this Annual Report.
- 1.11 Chapter 12 sets out briefly what the Council hopes to achieve in 2006–07. Annex C sets out the Council's Expenditure for 2005–06 and its Budget for 2006–07. Annex D sets out its full Business Plan for 2006–07.

COUNCIL COMMITTEE STRUCTURE

Children in Safeguarding Proceedings (Children Act 1989 and Adoption and Children Act 2002)	Children in Families (Children Act 1989 and Family Law Act 1996)	Money and Property (Matrimonial Causes Act 1973)
Transparency	Transparency	Transparency
Diversity	Diversity	Diversity
Experts	Experts	
Domestic Violence	Domestic Violence	
Education and Training	Education and Training	
Contact	Contact	
Voice of the Child	Voice of the Child	
Executive Committee	Executive Committee	Executive Committee
Dartington Conference Committee	Dartington Conference Committee	



CHAPTER 2

Overview of Activities and Issues in 2005-06

- 2.1 The Council met four times in 2005–06¹. It also sponsors the two yearly interdisciplinary conferences for family justice professionals, the most recent of which took place at Dartington in Devon in September 2005, and a residential conference for representatives of LFJCs, which this year took place on Monday 10 April 2006 to link with the Council's April 2006 meeting. Reports on the outcomes of these conferences are set out at Chapters 9 and 11 below.
- 2.2 Apart from the conferences, the Council's main business is transacted through its committees, which report to the main Council meetings. Discussions of the most important areas of committee work are set out in Chapters 3 to 7 below. In addition to these, the Council has also been involved in a number of other areas of work, which have not been handled this year by a particular committee. These are:

- **transparency: the admission of the public to, and reporting restrictions on, family proceedings, and the availability of transcripts.** In 2005 the Constitutional Affairs Select Committee, having considered evidence given by a number of senior members of the judiciary, concluded that a greater degree of transparency was required in family courts. In response the Council recognised that the extent to which the press and public should be permitted access to family courts and the nature of any continuing restrictions upon reporting are essentially policy issues for the Government. They cannot properly be resolved by the powers vested in the Family Procedure Rule Committee or by guidance in cases decided by the higher judiciary. Accordingly, the Council requested the DCA to undertake a fresh consultative process on these issues.

In September 2005 a number of members of the Council contributed to a round table discussion event sponsored by the DCA at the Oxford Centre for Family Law and Policy with a view to identifying the options for change. Information as to the position in comparable jurisdictions internationally was explored and proved instructive. Subsequently a Working Group of the Council was convened which has met with senior officials from the DCA on a number of occasions. The group has sought to contribute constructively to the shaping of the proposed consultative process. In the meantime the group has been pressing for facilities to be arranged for the transcription of judgments in all appropriate family cases.

The Government's consultation paper was published on 11 July 2006. It will be examined in the first instance by the Transparency Working Group but, given the profound implications of significant change in this complex area, the Council itself will consider and settle its response with some care.

- **updating the Family Justice Handbook.** An updated edition of this handbook was, at the time of drafting this report, soon to be published by Jordans Legal Publishing. This will be a key reference book, which the Council would recommend as useful to all those who work in the family justice system.
- **hearing the Voice of the Child.** A group has recently been formed with Peter Clarke as chair, but his subsequent continuing illness has meant that DJ Crichton has been leading on this matter in his absence. The aim of the group is to establish a point of reference with children and young people in order to establish their views upon issues of common interest. A meeting has been held with Christine Smart, Children's Rights' Officer for CAFCASS (England), and with the staff at the National Youth Advocacy

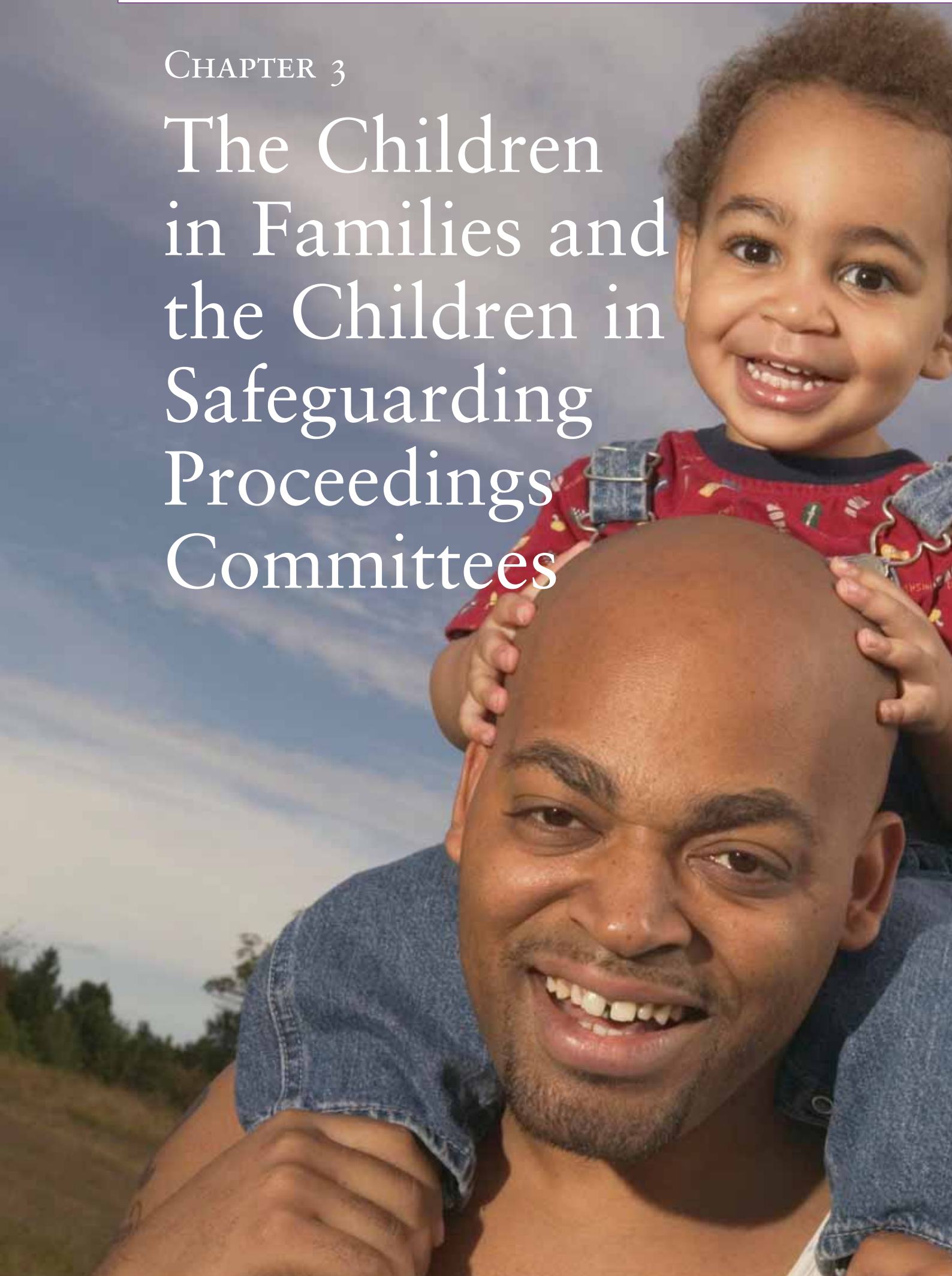
¹ On 18 April, 18 July, 10 October 2005 and 30 January 2006

Service (NYAS). A young people's reference group has been established, based at the NYAS offices in Birkenhead. They will meet six times per year, planned around half-terms and school holidays. They are a lively group, with ages ranging from 8 to 17, led with great energy by Kate Perry of NYAS. They have strong views upon issues such as transparency and should have a great deal to contribute to the Council's work.

- **The Family Justice Council Website** <http://www.family-justice-council.org.uk/index.htm>. This provides information about the Council Membership and activities. In addition it provides resources for the legal profession, other professionals who work in the family justice system and members of the public. The **research** pages contain links to current and recent research reports and a digest of relevant research prepared by CAFCASS and made publicly available through the FJC. The Family Justice Council is very grateful for the co-operation it has had from CAFCASS in helping to disseminate research.
- The pages on the **Family Justice System** have been written to provide a guide to the system as a whole, including organisations such as contact centres and refuges which provide services when families are in crisis. There is a page for children and young people with links to websites with information written for them and brief guides to the main issues which couples face when relationships break down – financial arrangements, arrangements for children and domestic violence. There is also information about child protection, care proceedings and adoption. Individuals seeking advice can use links on the site to locate a family law solicitor or a family mediator, and to find contact details for a wide range of voluntary organisations that provide advice for families.
- In supporting the development of the website, the Council intended to bring together information about family justice and make it readily accessible. It recognises that information on the web cannot replace professional services, but thinks that many people can access these services more easily, and make better use of them if they have been able to get basic information. There is a wealth of organisations who have prepared leaflets and guides and some who provide support and counselling by telephone or over the net, but families may not know these exist or how to contact them. The Advice and Information pages provide a simple Directory with web links and telephone numbers. The Council also recognises that many of the professionals who come into contact with the Family Justice System only occasionally, may be unclear about the part they are expected to play. The web guide can help them orient themselves and avoid some of the confusions they may have about the role of the courts and other agencies with whom they are expected to work. The Council is very grateful to the DCA for the assistance that they provided for the development of the website.

CHAPTER 3

The Children in Families and the Children in Safeguarding Proceedings Committees



MEMBERSHIP OF THE CHILDREN IN FAMILIES COMMITTEE

Jane Craig (Chair)	(Head of Family Law Dept., Manches LLP)
Jane Booth	(Corporate Director CAFCASS)
Nicholas Crichton	(District Judge, Inner London Family Proceedings Court)
Angela Lake Carroll	(Legal Services Commission)
Mary MacLeod	(Chief Executive, National Family & Parenting Institute)
Judith Masson	(Professor of Socio-Legal Studies, Bristol University)
Marilyn Mornington	(District Judge, Barnsley)
Lesley Newton	(Circuit Judge, Manchester)
Claire Sturge	(Consultant Child Psychiatrist)

TERMS OF REFERENCE

Remit: To ensure better outcomes for parties and children in private law proceedings under the Children Act 1989.

1. Identify and develop projects within the above remit that would improve the current arrangements, for endorsement by the Family Justice Council and inclusion in the Business Plan.
2. Deliver projects approved under paragraph 1.
3. Deliver other projects referred to the Committee by the Family Justice Council.
4. Report to the Family Justice Council on issues referred to the Council for advice; and on issues within the above remit that the Committee considers should be brought to the Council's attention.

ACTIVITIES IN 2005–06

- 3.1 The so called private law part of the Children Act 1989 concerns children in families. It deals with issues around the residence of children, contact with non-resident parents and other relatives and other decisions that affect their lives.
- 3.2 Reducing acrimony between separating parents was identified as one of the main aims for professionals in the family justice system to address at the Council's first conference in 2004 and the Council identified dispute resolution for parents, especially in relation to contact as a broad objective; together with the needs, voice and participation of children on a longer-term basis.
- 3.3 The Council established working groups on Child Contact, looking at the monitoring of centres, feedback processes from parents and funding. It also considered the "Voice of the Child" and the way in which children could express their wishes and feelings.
- 3.4 In 2004, the Women's Aid Federation of England (WAFE) published a report entitled "29 Child Homicides: Lessons still to be learnt on Domestic Violence and Child Protection". The then President, Dame Elizabeth Butler Sloss, and Lord Justice Wall agreed that Lord Justice Wall would examine all the cases referred to in the report in which there had been court involvement. His report was presented at the end of

March 2006 and concluded that the Family Justice Council should consider and report on the approach that courts should take towards proposed consent orders in contact cases where domestic violence is an issue.

- 3.5 This will be a major strand of work for the newly formed 'Children in Families Committee', which was created in April 2006. They have been asked to report to the full Council by October 2006, so the Council can advise the President on the lines set out above.

MEMBERSHIP OF THE CHILDREN IN SAFEGUARDING PROCEEDINGS COMMITTEE

Katherine Gieve (Chair)	(Head of Family Law Dept., Bindman and Partners)
Jane Booth	(Corporate Director, CAFCASS)
Bruce Clark	(Head of Looked After Children Division, DfES)
Paul Clark	(Director of Social Services, LB Harrow)
Stephen Cobb QC	(Family Barrister, One Garden Court)
Nicholas Crichton	(District Judge, Inner London Family Proceedings Court)
Deborah Cullen	(Legal Group Secretary, British Assoc. for Adoption & Fostering)
Danya Glaser	(Consultant Child and Adolescent Psychiatrist)
Sheridan Greenland	(London Area Director for Family Business, HMCS)
Judith Masson	(Professor of Socio-Legal Studies, Bristol University)
Lesley Newton	(Circuit Judge, Manchester)
Mark Powell	(Association of Lawyers for Children)
Rosalyn Proops	(Consultant Community Paediatrician)
Khatun Sapnara	(Family Barrister, Coram Chambers)

TERMS OF REFERENCE

Remit: Safeguarding children, principally but not exclusively under the Children Act 1989.

1. Identify and develop projects within the above remit that would improve the current arrangements, for endorsement by the Family Justice Council and inclusion in the Business Plan.
2. Deliver projects approved under paragraph 1 and ensure that information is disseminated to local Family Justice Councils.
3. Deliver other projects referred to the Committee by the Family Justice Council.
4. Report to the Family Justice Council on issues referred to the Council for advice, and on issues within the above remit that the Committee considers should be brought to the Council's attention.

ACTIVITIES IN 2005–06

- 3.6 The public law aspect of the Children Act 1989 is concerned with proceedings relating to the safeguarding of children taken by local authorities through care and supervision proceedings, and in some cases through adoption. This area of work is of great importance because of the very significant and far-reaching decisions made about the lives of children. There has been concern because of the length of time it takes for proceedings to be resolved and the costs of such proceedings. The introduction of the “Protocol for Judicial Case Management in Public Law Children Act cases” published in November 2003 was designed to reduce the time taken for cases to pass through the courts. This protocol was reviewed by a Judicial Review team in 2005. The Government’s Review of Child Care Proceedings was set up in 2005 and Lord Carter’s review of Legal Aid procurement has also been looking at public law proceedings. The Review of Child Care Proceedings was published in late May 2006 and Lord Carter’s review in July 2006.
- 3.7 The interdisciplinary nature of the Family Justice Council makes it well placed to contribute to these reviews. In February 2006, as a result of a review of the committees of the FJC, the ‘Children in Safeguarding Proceedings Committee’ was formed. The committee began work looking at the recommendations of the Judicial Review team and plans to comment on the Report of the Review of Child Care Proceedings. These comments may form the basis of a response by the Council to the Child Care Review Report. The Committee has indicated that it is willing to work with the Review implementation team, if that would be helpful. It has also solicited questions from the Carter Review and has responded to them.
- 3.8 The committee wishes to support improvements in the conduct of care and adoption proceedings. It will both respond to and contribute to initiatives from central government, but also hopes to disseminate good practice and problem solving through the regular Newsletter for local Family Justice Councils. Issues of particular concern at present are the workings of placement orders under the Adoption and Children Act 2002 and the building of better relationships between local authorities and health trusts, in order to improve the quality of information available about children early in care proceedings.

A close-up photograph showing a baby's feet being held and supported by an adult's hands. The baby's feet are small and pinkish, while the adult's hands are larger and more weathered. The scene is set on a light-colored wooden floor. The overall tone is warm and protective.

CHAPTER 4

Money and
Property
Committee

MEMBERSHIP

Mathew Thorpe (Chair to March 2006)	(Deputy Head of Family Justice)
Florence Baron (Chair since April 2006)	(Family Division High Court Judge)
David Bodey	(Family Division High Court Judge)
Simon Bruce	(Resolution: Solicitor, Farrer & Co)
Jane Craig	(Head of Family Law Dept., Manches LLP)
Nicholas Cusworth	(Family Law Bar Association – FLBA, One Hare Court)
Nigel Dyer	(FLBA, One Hare Court)
Lynn Graham	(Legal Services Commission)
Philip Marshall	(FLBA, One King’s Bench Walk)
Edwina Millward	(District Judge, Maidstone)
Nicholas Mostyn	(FLBA, One Hare Court)
Jeffrey Nedas	(Solicitor, BDO Stoy Hayward LLP)
Maggie Rae	(Solicitor, Clintons)
Peter Watson-Lee	(Solicitor, Williams Thompson, Christchurch, Dorset)
Philip Waller	(The Senior District Judge)
Nicholas Wilson	(Lord Justice of Appeal)

TERMS OF REFERENCE

Remit: The law and procedures for the distribution of money and property on the breakdown of a relationship.

1. Identify and develop projects within the above remit that would improve the current arrangements, for endorsement by the Family Justice Council and inclusion in the Business Plan.
2. Deliver projects approved under paragraph 1.
3. Deliver other projects referred to the Committee by the Family Justice Council.
4. Report to the Family Justice Council on issues referred to the Council for advice, and on issues within the above remit that the Committee considers should be brought to the Council’s attention.
5. Advise and assist the Family Procedure Rule Committee on matters referred to it by that Committee in relation to the making or amendment of rules for financial and property proceedings or of directions about practice and procedure.

ACTIVITIES IN 2005–06

- 4.1 In contrast to some of the Council’s other Committees, this Committee has a long history, which precedes the creation of the Council. It began life at the instigation of Mr Justice Thorpe (as he then was) and the then Senior District Judge (Gerald Angel)

in 1992 as the Ancillary Relief Working Party. Its aim was to devise a new scheme for ancillary relief applications in the light of mounting judicial and professional disquiet at the cost and delay to which the disposal of such applications often gave rise. An innovative scheme for a reformed procedure was devised, of which the most prominent features were a standard form for disclosure (Form E), active judicial case management at an early stage (The First Appointment) and a mandatory judge-led mediation appointment (the FDR). This scheme was piloted in 1997, by which time the Working Party had become the Lord Chancellor's Ancillary Relief Advisory Group. In 2000 the Rules were amended and the new procedure operated nationally. The Group then metamorphosed into the President's Ancillary Relief Group. Following the formation of the Family Justice Council in 2004, this President's Ancillary Relief Advisory Group was incorporated as one of the Committees of the Family Justice Council.

- 4.2 The Committee has also in previous years instigated a number of other important reforms to ancillary relief law and practice. It was able to persuade the Government in 1998 to implement the capitalisation of periodical payments provisions in s.31 (7A-F) of the Matrimonial Causes Act 1973. In addition it was at the forefront of the moves to enact the powers of pension sharing, bringing together lawyers and representatives of the pension industry. The Committee has also suggested reform to the rules and remedies of enforcement of ancillary relief awards and it remains hopeful that its recommendations may yet be implemented by the Government.
- 4.3 In the course of the past year the Committee has provided advice on the redrafting of Form E (Financial Statement), including the new pensions page and pensions forms, which resulted in the amendment of Form E in December 2005. It provided advice on the crucial issue of costs reforms in applications for ancillary relief. The rules were changed on 5 April 2006 to reflect the Committee's view that there should be no order for costs in ancillary proceedings save where it is justified by the litigation conduct of one of the parties. At the same time amendments were made to the forms filed by parties giving estimates of their costs.
- 4.4 The work of the Committee addressing routes of appeal in family proceedings is now being incorporated into the new Family Procedure rules which are expected to come into force in autumn 2007. The committee has been available as a source of expertise to the Family Procedure Rules Committee since its inception in 2004; and the two bodies have members in common assuring good communication between them and ensuring that there is no duplication of work.
- 4.5 The Committee will be looking at further policy issues in the period 2006-07 which are likely to include the review of child maintenance law, pre-nuptial agreements and the role of court-led dispute resolution in financial matters and the dissemination of best practice.

CHAPTER 5

Experts Committee



MEMBERSHIP

Mathew Thorpe (Chair)	(Deputy Head of Family Justice)
Ray Bull	(Professor of Psychology, University of Leicester)
Michael Clarke	(Consultant Ophthalmologist)
Stephen Cobb	(Family Barrister, One Garden Court)
Jane Craig	(Head of Family Law Dept., Manches LLP)
Jane Dukes	(Head of Children's Proceedings Branch, DCA)
Colin Ferrie	(Consultant Paediatric Neurologist)
Katherine Gieve	(Head of Family Law Department, Bindman and Partners)
Danya Glaser	(Consultant Child and Adolescent Psychiatrist)
Jane Ireland	(British Psychological Society)
Karl Johnson	(Consultant Paediatric Radiologist)
John Pinschhof	(British Psychological Society)
Rosalyn Proops	(Consultant Community Paediatrician)
Gregory Richardson	(Consultant Child and Adolescent Psychiatrist)
Michael Shaw	(Consultant Child and Adolescent Psychiatrist)
Neil Stoodley	(Consultant Neuroradiologist)
Joan Trowell	(General Medical Council)
Christopher Verity	(Vice-President for Education & Training, Royal College of Paediatrics and Child Health)

TERMS OF REFERENCE

Remit: Issues surrounding recruitment and training of experts and delivery of expert opinion.

1. Identify and develop projects within the above remit that will improve the current arrangements, for endorsement by the Family Justice Council and inclusion in the Business Plan.
2. Deliver projects approved under paragraph 1 and ensure that information is disseminated to Local Family Justice Councils.
3. Deliver other projects referred to the Committee by the Family Justice Council.
4. Report to the Family Justice Council on issues referred to the Council for advice; and on issues within the above remit that the Committee considers should be brought to the Council's attention.

ACTIVITIES IN 2005–06

- 5.1 At its inception in 2004, the Family Justice Council set up an Experts Committee to examine and address the difficulties relevant to the supply and quality of expert witnesses in family proceedings. No one who practises in the family justice system is unaware of the problems in securing the involvement of appropriately qualified experts to assist in family cases. This is a chronic problem which has become increasingly acute.

- 5.2 The group includes representatives from a range of medical disciplines, including paediatric radiology and neuro-radiology, paediatric medical specialities, ophthalmology, psychiatry and clinical and forensic psychology. Additional representatives from other branches: psychiatry and paediatrics have been invited to attend. There is a representative on the Committee from the General Medical Council (GMC) and from the Child and Adolescent Psychiatry Specialist Advisory Sub-Committee (CAPSAC) of the Royal College of Psychiatry.
- 5.3 In recent meetings of the Sub-Committee, a representative from each of the specialist medical fields has been invited to give a short presentation on issues which currently affect their particular work, in order more generally to inform the work of the Committee.

Health Experts in the Family Courts

- 5.4 The Committee noted with concern that experts' unavailability and delayed reports make up about 12% of all delays reported in Care Centres and around 10% in Family Proceedings Courts (the point in the process at which the delay was largely caused was step 4 in the Protocol – the delivery of the report for the Case Management Conference).
- 5.5 One of the early tasks of the Committee was therefore to 'map' the various initiatives which were being undertaken to address the quality and supply of competent medical experts in family proceedings. As part of this process the Committee drew on its connections with the various Royal Colleges and the legal professionals.
- 5.6 In June 2004, Margaret Hodge, the then Minister for Children, commissioned from the Chief Medical Officer (CMO) a report on the future supply of expert reports in the family justice system. Members of the Committee subsequently met the CMO's representatives to discuss the CMO's examination of the role of experts in family proceedings.
- 5.7 The Committee's other work on issues of quality and competence among experts has been postponed pending publication of the CMO's now much-awaited report. The Committee will be examining whether there are any 'quality assurance' guidelines which the FJC can usefully recommend in relation to experts instructed in children's proceedings.
- 5.8 The Committee further sought to identify the principal factors which were discouraging experts from participating in family litigation – in particular, the Committee noted that imprecision in instructions, money, training, time, dislike of the process, divided loyalties and fear of complaint, influenced many against participating in the work. The Committee was further concerned by a lack of co-ordinated training for experts and by their perception of a lack of any means to measure their contribution and to give feedback.

TRAINING PROGRAMMES

A) Local training programmes

- 5.9 In the summer 2005, the Committee canvassed the local FJCs to enquire about the level of inter-disciplinary training and activity around the regions. The survey revealed pockets of intense and good quality inter-disciplinary activity.

- 5.10 With the benefit of that information to hand, the Committee prepared a 'training programme', placing at its core the request for Local Family Justice Councils to undertake the responsibility for managing inter-disciplinary events and training. For some, this was an extension of current work, but for many it would be a new task. The Committee therefore attempted to outline the kind of interdisciplinary training which could be considered in each region in the new unified Courts Administration. The Committee proposed a list of activities (not intended to be exhaustive, or too prescriptive) which could be amended to reflect regional variations or needs.
- 5.11 The Committee further provided the local FJCs with a draft confidentiality agreement for medical experts on mini-pupillage, a list of the regional advisors for the Royal College of Paediatrics and Child Health (RCPCH), a document entitled 'About the NHS' – a Guide to the NHS Bodies and their Responsibilities', the document 'Promoting Interagency working in the Family Justice System' (a paper created by members of the Interdisciplinary Committee) for health professionals who are participating in the work of the Local Family Justice Councils, and a list of the Regional CAPSAC scheme co-ordinators / Training Program Directors.
- 5.12 These documents were intended to assist the local FJCs in the launch of their own initiatives. The Committee has also recommended establishing an e-mail network of the 'expert' members of the local FJCs so that they can easily communicate with each other.
- 5.13 The Committee also highlighted the use of the inter-disciplinary forum, mini-pupillage with a Judge, mini-pupillage with a member of the Bar, mini-pupillage with a solicitor, the use of mock trials, involvement of universities and academic institutions, and training programmes with the Royal Colleges: CAPSAC Training.
- B) Initiatives for Training and Support of Health Professionals**
- 5.14 Work is underway, in partnership with the Royal College of Paediatrics and Child Health and the Royal Society of Medicine, to develop a legal training course for paediatricians (expected start early 2007). The FJC has made a significant financial contribution to the preparation of the training DVD for this course. Dr. Rosalyn Proops is chairing the project planning team of which Stephen Cobb is a member (both are members of the FJC Experts Sub-Committee).
- C) Family Bar Inter-Disciplinary Training**
- 5.15 The Family Law Bar Association has recently created a new post for a member of its committee to be charged with responsibility for 'Inter-disciplinary Training'. This is expected to facilitate the mini-pupillage scheme for medical professionals with members of the bar, and to support inter-disciplinarity across the professions.

OTHER ACTIVITIES

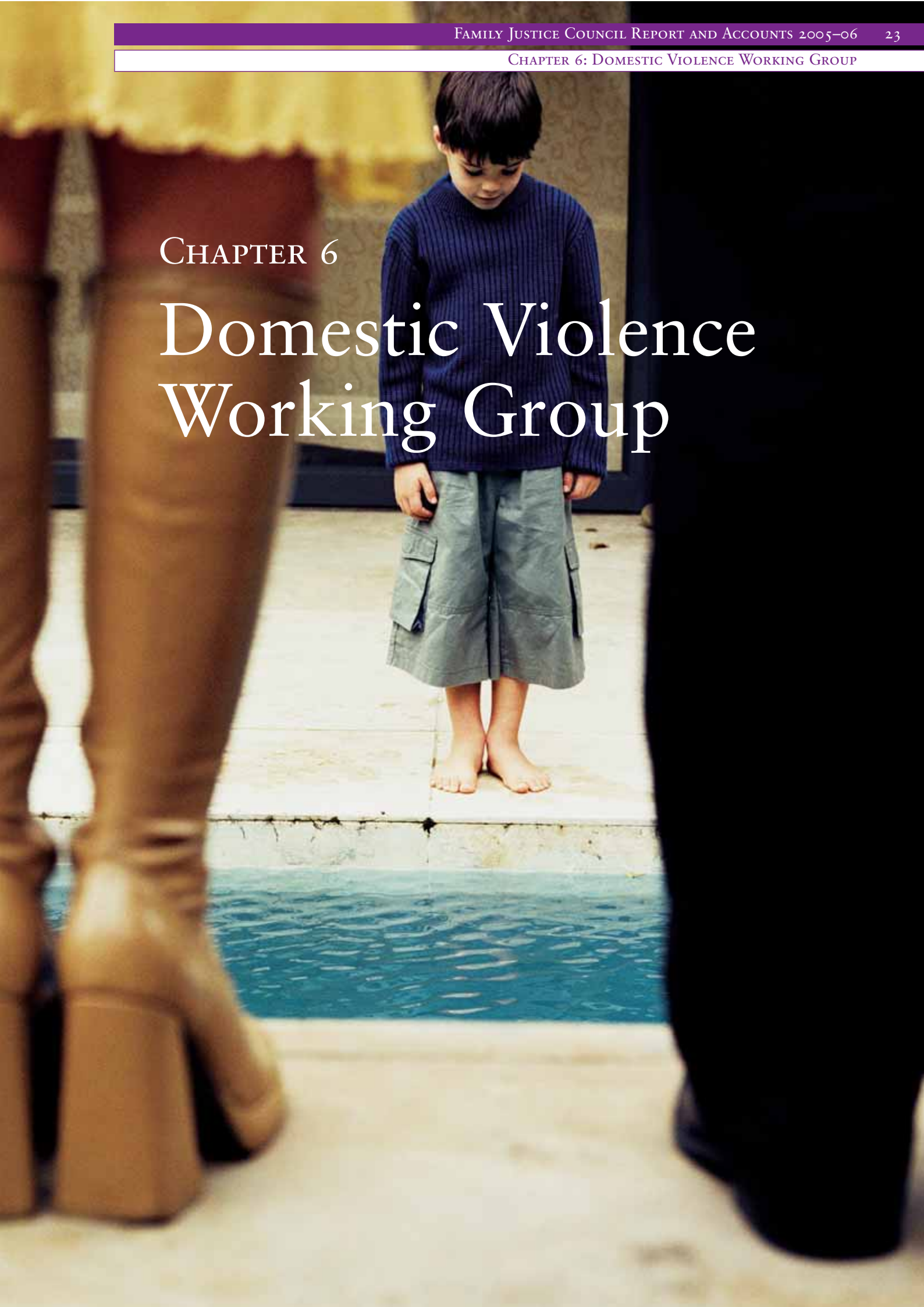
A) Standard Questions for Experts

- 5.16 Through 2005, the Committee examined whether it could produce some standard questions for medical experts in family cases in order to simplify the process of instruction. This work was completed in November 2005, and the Committee submitted the questions in their final form for the Judicial Review Team (JRT) in November 2005. For ease of reference these questions are attached at Annex E to this Report. The JRT in turn recommended that the Committee's standard questions be adopted as part of the code of guidance to experts.

- B) Liaison with the Family Procedure Rule Committee Experts Working Party**
5.17 The Family Procedure Rule Committee has set up a working group to study the existing guidance on the role and instruction of experts in family cases. Stephen Cobb has joined the Family Procedure Rule Committee Experts Working Party, so that information may more easily pass between the two committees, and the work of each synchronized.
- C) The Legal Services Commission (LSC) Consultation**
5.18 In February 2005 the FJC responded to an LSC consultation paper on ‘The Use of Experts in publicly funded cases’.
- D) Papers presented from the Experts Committee**
5.19 Members of the Committee have presented various papers on the work of the committee: Lord Justice Thorpe (Newcastle), Stephen Cobb QC (Kent Local Family Justice Council), Katherine Gieve (Resolution National Conference), Dr. Danya Glaser and Stephen Cobb QC (South Wales Interdisciplinary Forum) and Dr Rosalyn Proops (Royal College of Paediatrics and Child Health). At the FJC Conference in Bath (April 2006), HHJ Lesley Newton presented a paper on ‘The Early Instruction of Experts’.

CHAPTER 6

Domestic Violence Working Group



MEMBERSHIP

Marilyn Mornington (Chair)	(District Judge, Barnsley)
Jane Booth	(Corporate Director, CAFCASS)
Terry Grange	(Chief Constable, Dyfed Powys)
Sheridan Greenland	(London Area Director for Civil and Family Business)
Judith Masson	(Professor of Socio-Legal Studies, University of Bristol)
Jean Price	(Consultant Community Paediatrician)
Khatun Sapnara	(Family Barrister, Coram Chambers)

TERMS OF REFERENCE

Remit: To consider and provide advice to the Family Justice Council on Domestic Violence issues arising in the Family Justice System.

1. Identify and develop projects within the above remit that would improve the current arrangements, for endorsement by the Family Justice Council and inclusion in the Business Plan.
2. Deliver projects approved under paragraph 1 and ensure that information is disseminated to Local Family Justice Councils.
3. Deliver other projects referred to the Working Group by the Family Justice Council.
4. Report to the Family Justice Council on issues referred to the Council for advice; and on issues within the above remit that the Working Group considers should be brought to the Council's attention.

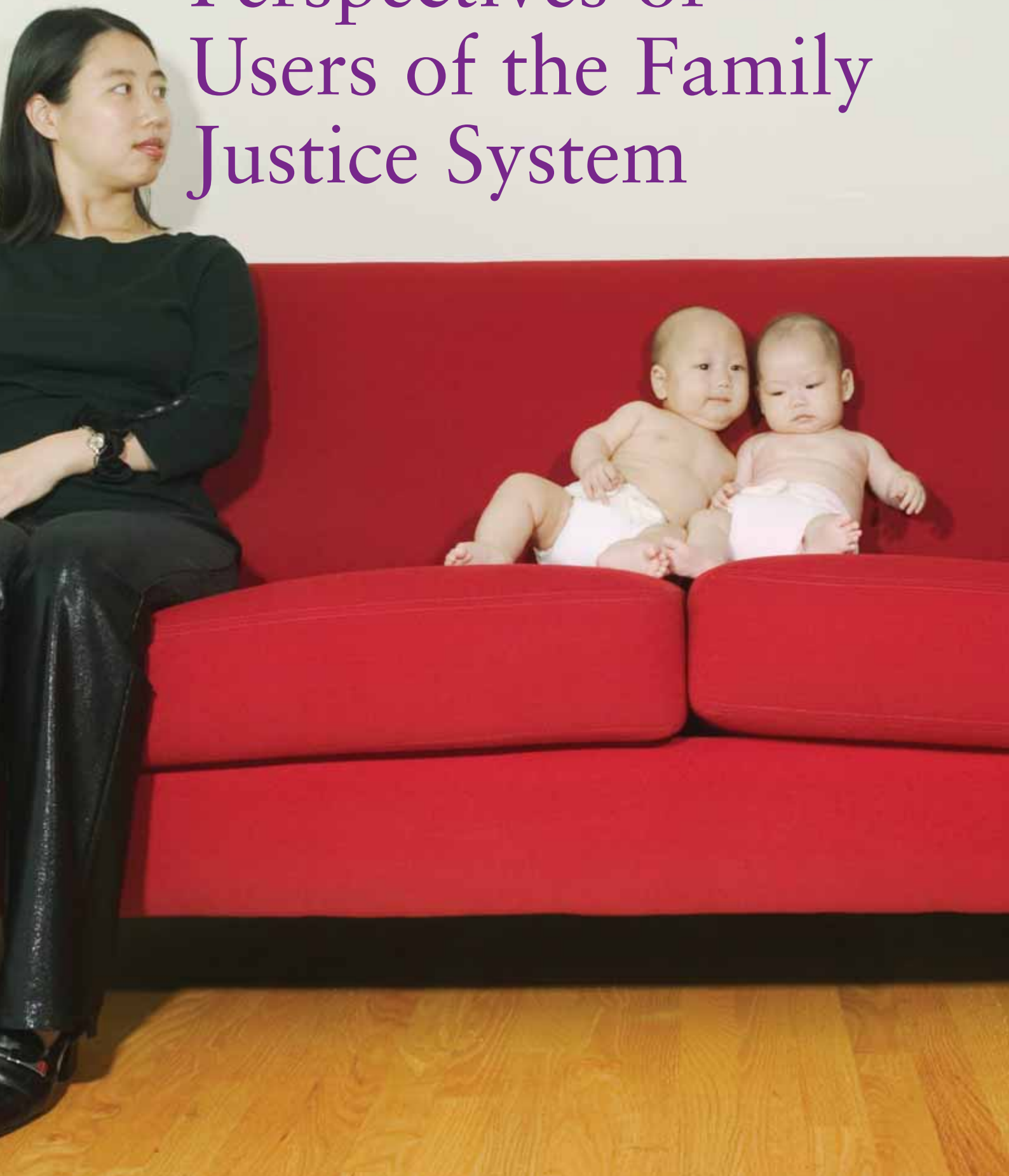
ACTIVITIES IN 2005–06

- 6.1 In 2005–06 the Domestic Violence Working Group has sought to meet the aims and objectives of the FJC in:
 - Early identification of children who may be at risk because of domestic violence issues within the family when their parents' relationship breaks down and increased attention to these issues by lawyers and judges making decisions about their future;
 - Enhanced and better targeted help for victims of domestic violence through improved measures in both civil and criminal courts.
- 6.2 The Group has compiled, with the assistance of the DCA Domestic Violence Secretariat, a quarterly newsletter to inform FJC members of all relevant developments in the field of domestic violence. This newsletter is now to be posted on the FJC website and will be forwarded to all LFJCs for further distribution acting as a nationwide web of current information.
- 6.3 The Group have contributed to the consultation on the proposed offence of Forced Marriage and the FCO media campaign and other initiatives to combat Forced Marriage.
- 6.4 Two members of the Working Group sat on the HMICA Domestic Violence, Safety and Family Proceedings Group that reported in October 2005 and are taking forward these recommendations through the FJC Group.

- 6.5 The Working Group continued to work with DCA and ACPO to develop a nationwide protocol for the efficient disclosure by the police to the family courts of information – in particular in cases of domestic violence. The pilot period of 9 months concluded and an evaluation took place which has resulted in the President, new ACPO lead ACC Brian Moore and the DCA agreeing to a plan to take the pilot national.
- 6.6 The Working Group started working on developing a blueprint for a training day on domestic violence awareness for LFJCs. This will be ready by summer 2006. The training will concentrate on addressing the issues raised by the HMICA report and Wall LJ's report into child homicides during contact and in particular matters of risk assessment and safety planning.
- 6.7 The Chair of the Group has continued to chair the intergovernmental initiative "Raising the Standards", which in April 2006 held a two-day International Conference on the theme of 'Domestic Violence and Education' hosted by the Northern Irish Government. This policy group meets quarterly to exchange current information and best practice on domestic violence and to develop joint initiatives.
- 6.8 She was the keynote speaker at the FCO/ British Council World Conference on "Crime committed in the name of so called 'Honour'" in Karachi in November 2005 and also lectured at Lahore Law School to the Lahore Bar and to a major human rights seminar in Islamabad. She also spoke at the 2005 World Health Organisation Summit and Report on Violence and Health.
- 6.9 The Chair further spoke on issues of honour-based violence and Islam at the House of Commons, and in Birmingham on behalf of the all-party UK parliamentary group "Friends of Islam". She also contributed to the National Steering Group on Honour Based Crime and the ACPO Honour Based Violence Working Group and ACPO Domestic Violence Group.
- 6.10 The Chair and ACPO officers, under Working Group member Chief Constable Terry Grange, made two official visits to Pakistan in March and November of 2005, arranged by South Yorkshire Police as Lead Force, to further bilateral understanding of issues of domestic violence and honour-based crime, better to meet the needs of victims and their children from BME communities in the UK, and to develop training for lawyers and the police in Pakistan.
- 6.11 The working group took to the FJC the proposal of developing a DVD for victims of domestic violence to assist them through the civil and family court process, akin to that developed in Northern Ireland: "The Law on Your Side". The DVD would be for use throughout England and Wales and is currently undergoing a cost and developmental analysis with the assistance of DCA's Domestic Violence and Communications teams. In principle the project has the support of the FJC. It is proposed that the DVD would be developed as a multi-agency partnership between the FJC, government departments and agencies such as FLBA / Law Society / RESOLUTION under advice from members of the Lord Chancellor's Domestic Violence Advisory Group.

CHAPTER 7

Perspectives of Users of the Family Justice System

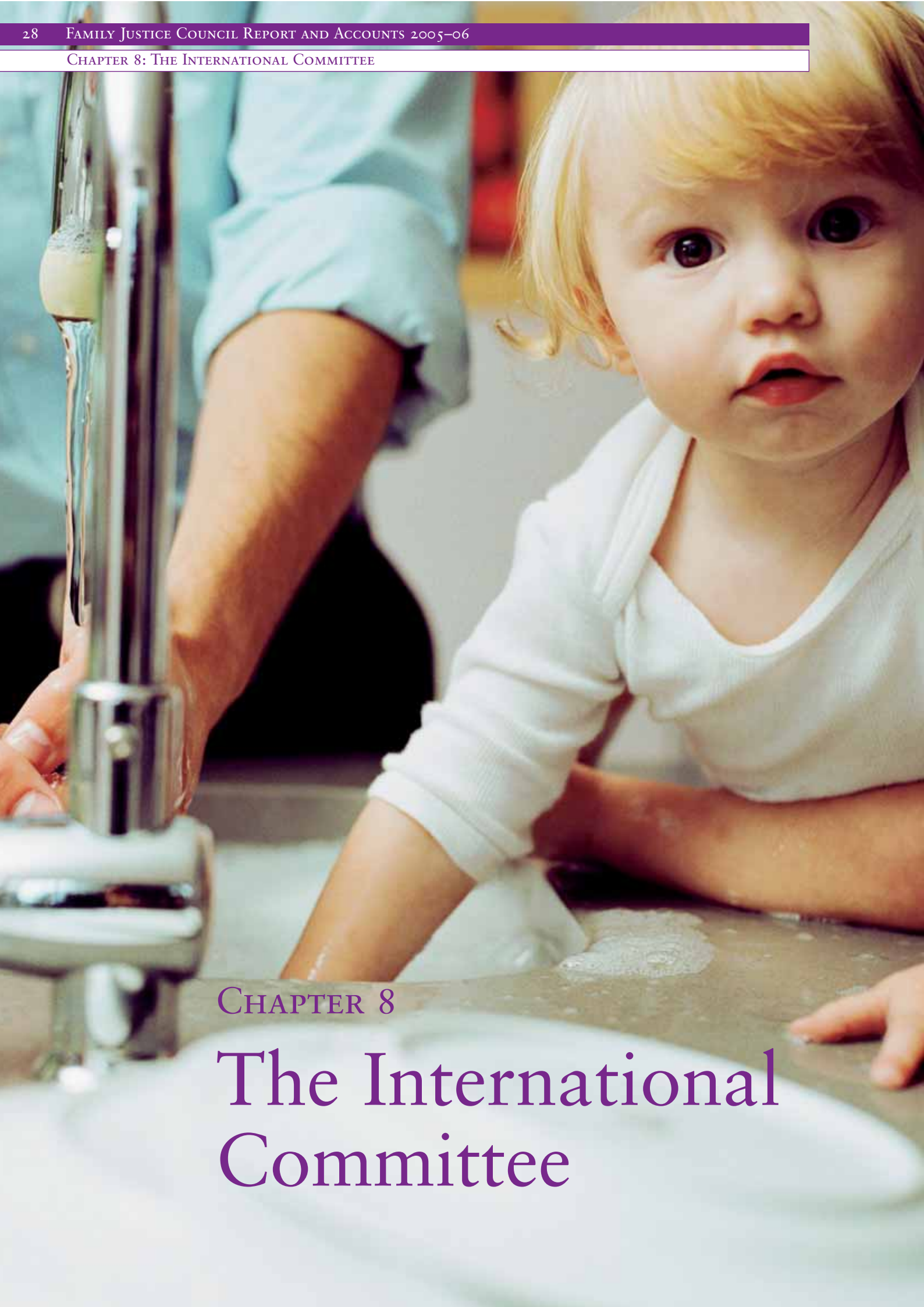


LEAD MEMBER

Mary MacLeod (Chief Executive, National Family and Parenting Institute)

ACTIVITIES IN 2005-06

- 7.1 The Family Justice Council has a number of members who have a particular role to help the Council understand and respond to the views and experience of the children and families that the family justice system serves, to advise on the issues that concern children and families, and to consider whether any changes are necessary to improve the system.
- 7.2 Mary MacLeod, the lead member with responsibility for considering parents' and carers' experiences, produced a paper for the Council in July 2005. The paper was based on a review of the issues raised by organisations working on behalf of families and discussions with members of organisations. It highlighted issues of concern and made recommendations on how the Council could take forward its responsibility to take account of the views of parents and carers.
- 7.3 The paper and recommendations were discussed in July and October 2005. A number of families' concerns identified in the paper were the focus of work already agreed by the Council: for example, delay in the system; a review of cases where children had been killed, to help ensure safe decisions; domestic violence; geographical variations in decision-making and practice; improving family services; gender inequalities. The FJC agreed that:
- A literature review should be written drawing together the research evidence on the views and experiences of parents and carers and make recommendations for reform;
 - The President and members of the Council should have an annual meeting with members of organisations that work directly with families to raise and discuss issues of concern;
 - Local FJC's should be encouraged to ensure they have members with responsibility for raising awareness of the experience and views of children and families involved in the system.
- 7.4 The literature review is being commissioned and should be completed in April 2007. A first annual meeting is to be organised in October 2006. Local FJCs are encouraged to link with organisations working with children and families. The practice of Local Councils will be drawn together to spread good practice in understanding and responding to the children and families involved in the family justice system.



CHAPTER 8

The International Committee

- 8.1 In October 2004 the Family Justice Council decided to adopt as one of its Committees the pre-existing President's International Family Law Committee. The decision was probationary and subject to review in October 2005.
- 8.2 In April 2005 the Lord Chief Justice and the Lord Chancellor created the post of Head of International Family Law and appointed Thorpe LJ. The resulting responsibilities have been managed by the continuing evolution of a support structure within which the role of the International Committee has been magnified. Its place is within that organisational structure and its relationship to the Family Justice Council is accordingly not easy to determine.
- 8.3 At the end of the probationary period the decision was therefore taken to divorce the Committee from the FJC.
- 8.4 During the period of its attachment to the FJC, however, the International Committee achieved much, including:
1. The extension of the Anglo / German relationship. The 5th Anglo-German Conference was held in Cardiff and two members of the committee presented papers at judicial training seminars in Germany focusing on the 1980 Hague Convention on International Child Abduction.
 2. Contributing to the preparations for the introduction of the EU Regulation Brussels II Revised. The committee made a number of contributions to promoting good practice under this Regulation, which since 1 March 2005 governs jurisdiction and the recognition, registration and reciprocal enforcement of judgments relating to parental responsibility and contact with children between and within EU states.
 3. Evaluating the EU Commission's proposal for the introduction of a European Reciprocal Enforcement of Maintenance Orders (REMO) Regulation and at the same time contributing to the development by the Special Commission at The Hague of a global REMO Convention.
 4. Supporting the fourth triennial World Congress on Family Law in Cape Town in March 2005. The committee was well represented by practitioner and judge members who attended this Congress: a forum which discusses the international basis for the practice of family law.
 5. Participating in June 2005 in the Anglophone / Francophone judicial conference at Beaulieu sur Mer. Judges, practitioners and academics from the Committee contributed to the planning and preparation of the programme placed before the delegates, and attended.

CHAPTER 9

The Dartington Hall Conference



BACKGROUND TO THESE CONFERENCES

- 9.1 The Dartington Conferences have been held every two years since September 1995 at Dartington Hall, Totnes, Devon. They began that year with the “Rooted Sorrows” conference which brought together specialists from the world of psychoanalytic psychotherapy and family justice. The success of that conference led to the formation of the President’s Interdisciplinary Committee which then organised further conferences in 1997, 2001 and 2003. Following the formation of the Family Justice Council in 2004, the FJC organised the most recent 2005 conference.
- 9.2 The conference takes place over three days in September every other year and is attended by judges, directors of social services, mental health professionals, academics, guardians ad litem, panel managers, lawyers and other professionals.
- 9.3 Each conference has a particular theme and papers are presented by a wide range of individuals. There are discussions both in the main conference and in smaller discussion groups. The papers and summaries of the discussions are published by Jordans, which ensures that they reach a wider audience.
- 9.4 The first conference in 1995 produced the volume “Rooted Sorrows” and considered the impact of psychoanalytical theory and practice on the work of all disciplines within the Family Justice System.
- 9.5 In 1997 “Divided Duties” was the conference theme, subtitled “Care Planning for Children within the Family Justice System”. There were contributions from, among many others the then Mr. Justice Wall, Dr. Claire Sturge, Jenny Kenrick and Professor Olive Stephenson.
- 9.6 In 1999 “No Fault or Flaw, the Future of the Family Law Act 1996” was the conference theme.
- 9.7 In 2001 “Delight and Dole – The Children Act 10 years on” focussed on the Act and the challenges remaining and included papers on “Delay and the Challenges of the Children Act”, “Children’s Rights and the Impact of Two International Conventions, The UNCRC and the ECHR”, “When young people refuse treatment: balancing autonomy and protection”, “Expert Evidence 10 years after the Children Act 1989: Where are we?” and “Children, Safety and Parental Contact in Private Law Proceedings”.
- 9.8 In 2003 “Hearing the Children” included papers on “Concepts of Child Attachment, Making Sense of what Children say”, “Listening to and Safeguarding Children from mixed heritage backgrounds”, “The Mental Health needs of Refugee Children and their Families” and “The Voice of the Child: Children’s Rights are Human Rights”.

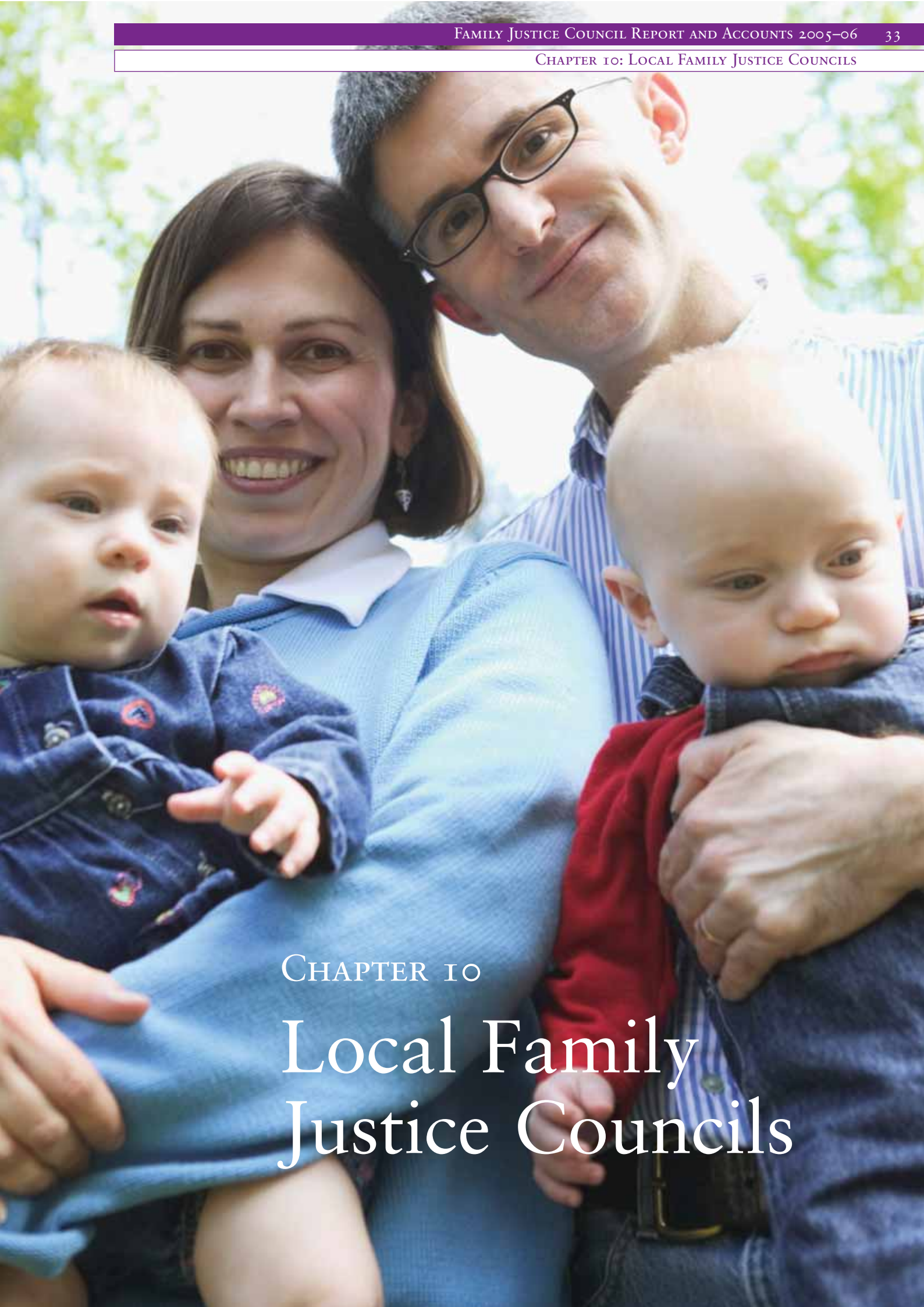
CONFERENCE IN 2005

- 9.9 The sixth Dartington Hall interdisciplinary conference on the theme of *Durable Solutions* took place between 30 September and 2 October 2005. The 2005 conference included sessions on “Court Experiences and Development Outcomes” and “Models for Achieving Successful, Agreed and Ordered Outcomes in Private Law Cases”, and included presentations from Liz Trinder, Nicholas Crichton and Dr. Christopher Clulow. The papers for the 2005 conference² were published by Jordans in March 2006.

² *Durable Solutions*, Jordan Publishing Ltd, ISBN 1 84661 003 6

- 9.10 The theme of *Durable Solutions* was designed to encapsulate what the family justice system strives to achieve at the end of family proceedings, whether early on by compromise or at the end of a long contested trial. It is equally true of public as of private law proceedings. *Durable Solutions* are the outcomes most likely to promote the welfare of the children involved in the case.
- 9.11 The conference papers and discussions resulted in the adoption of a number of Resolutions. It is gratifying that those on domestic violence (child risk and safety assessments) and family assistance orders have been taken up and, at the time of the drafting of this Annual Report, were being debated as the Children and Adoption Bill passed through Parliament.
- 9.12 The main Resolutions endorsed by the full conference are set out below.³
- **Child Risk and Safety Assessments**
Amendments should be added to the Children and Adoption Bill to ensure that child risk and safety assessments are undertaken in relation to all applications for enforcement – this included cases where there are consent orders.
 - **Family Assistance Orders**
The Government should reconsider its opposition to the recommendation made by the joint committee scrutinising the draft Adoption and Child Bill that the final Bill should remove the need to obtain the consent of all those who are to be named in a Family Assistance Order under s. 16 of the Children Act 1989 as amended.
 - **Conciliation Service**
Parents who reach agreement at conciliation appointments in private law proceedings should be offered a limited and focussed follow-up service in order to reduce the current level of dissatisfaction or breakdown.
 - **Social Work Training**
Social workers should be better trained and remunerated in order to increase the level of respect for their work and experience. (This resolution was sent to the Social Work Development Unit.)

³ The full set of conference Resolutions can be found at pages 273–280 of *Durable Solutions*.

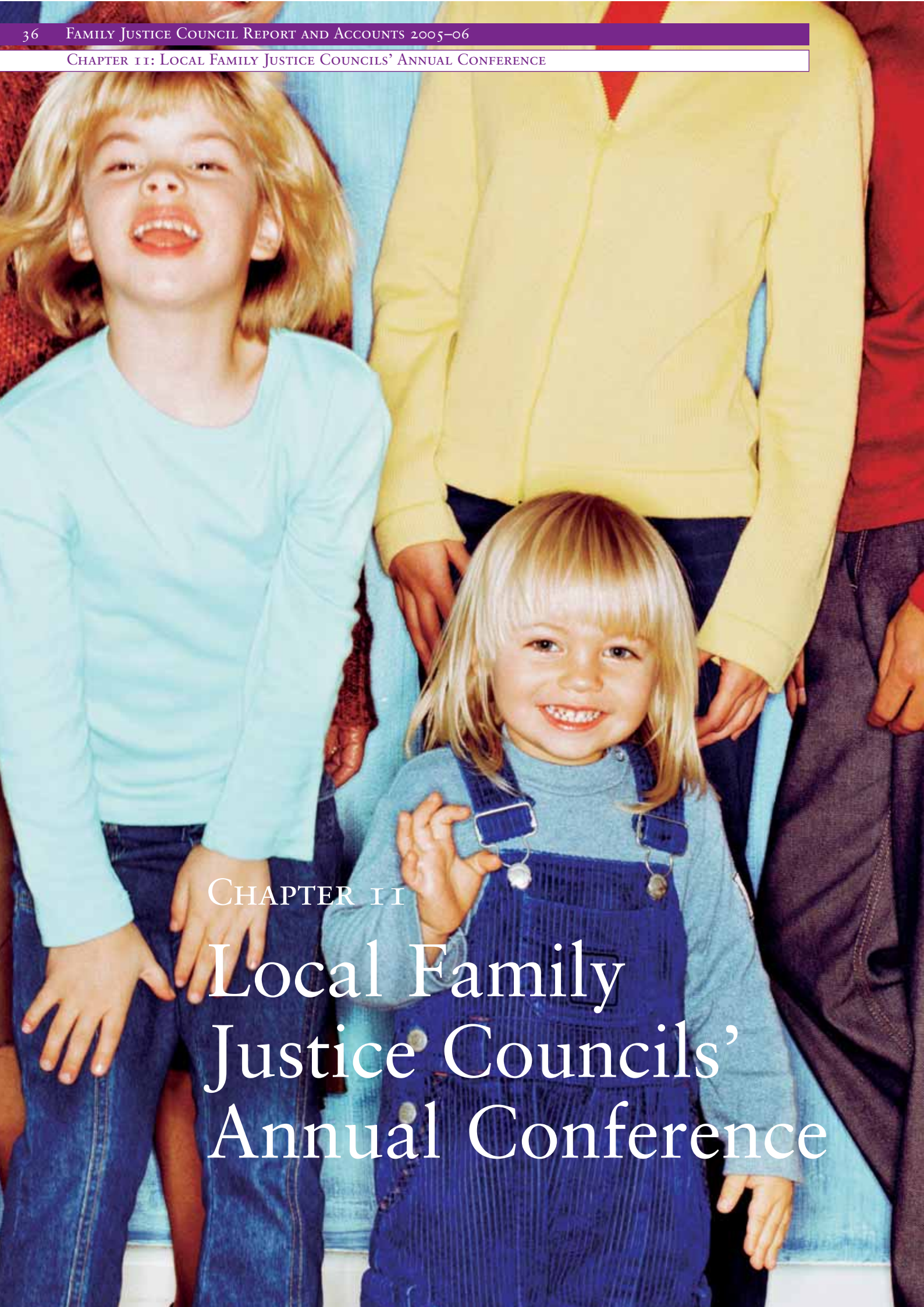


CHAPTER 10

Local Family
Justice Councils

- 10.1 Local Family Justice Councils (LFJCs) were established in the latter part of 2005 to underpin the work of the National Council at local level. With the exception of two Areas that have merged, there is an LFJC for each of the 42 administrative areas in Her Majesty's Courts Service.
- 10.2 The principal aims of the Local Councils are:
- To highlight and address local issues to improve the delivery of family justice, including organising training events;
 - To respond to issues raised by the Family Justice Council, highlighting any local problems and detailing any local initiatives set up to address those difficulties; and
 - To create a reciprocal exchange of information and ideas between Local Councils and the FJC.
- 10.3 In 2006, LFJCs were asked to concentrate on the following priorities:
- Tackling delay in care cases, including the use of experts;
 - Promoting dispute resolution for children; and
 - Dealing with domestic violence.
- 10.4 All the LFJCs are chaired by a specialist family judge and as with the FJC, members are drawn from a wide range of disciplines working within the local family justice system. They are supported by a part-time administrator drawn from the local HMCS staff. The majority of Councils meet every quarter.
- 10.5 Each Regional HMCS Director has been provided with funds to support LFJCs with secretarial/administrative support and to cover the cost of training events.
- 10.6 Until recently, communications between the National and Local Councils were limited to an exchange of minutes from which the FJC could consider problems raised by the Local Councils. Some of these were considered at the conference in Bath (see Ch 11). In January 2006, however, a post was created in the secretariat to provide the link between the National and Local Councils. Work which will be taken forward over the next few months includes:
- The publication of a bi-monthly newsletter which will cover current issues being considered by the FJC and its Committees; news items from LFJCs; disseminating examples of good practice; and publicising events and conferences which may be of interest to those working in the family justice system. The first newsletter was published at the end of May 2006;
 - Ensuring that LFJCs are consulted on key issues being considered nationally and, in turn, that difficulties encountered locally are identified and considered by the Council or its Committees;
 - Looking at the possibility of developing websites for each of the LFJCs; and
 - Setting up arrangements whereby members of the FJC act as sponsors for one or two LFJCs and thereby provide a personal link between the National and Local Councils.
- 10.7 One of the key tasks of the new LFJCs was to organise interdisciplinary events. In particular, Local Councils were asked to facilitate events to examine the causes of delays in care proceedings and to seek solutions. A considerable number of Areas have held such events with an encouraging attendance from a wide spectrum of people involved in the local family justice system. Equally, reports of such events demonstrate a keen commitment from practitioners to achieve real improvements to the workings of the system. Other events organised by LFJCs include topics such as domestic violence and the implications of the Adoption and Children Act 2002.

- 10.8 Another initiative under the broad umbrella of training has been the setting up in a number of Areas of mini-pupillages for paediatricians and trainees. This scheme aims to provide them with experience of the court environment and the giving of oral or written evidence, as well as an opportunity to discuss issues arising from their observation of court proceedings.



CHAPTER 11

Local Family Justice Councils' Annual Conference

- 11.1 The first conference for representatives of all Local Family Justice Councils (LFJCs) was held on 10 April 2006 at Bailbrook House, Bath. Representatives of forty (that is all but one) LFJCs attended. Copies of all the papers presented were subsequently sent electronically to all the LFJCs (and are available electronically on request from the FJC secretariat – see ‘how to contact us’ on the back cover of this Report).
- 11.2 The President, in introducing the Conference, said the main purpose of the conference and of the establishment of the Local Family Justice Councils was to encourage joint participation in the process and to foster the interdisciplinary approach to family justice. It was vital that the local FJCs felt free to make their input to the National Council, and that, in turn, the FJC actively sought such input. He mentioned the judicial resources review ‘The Right Judge for the Right Case’ and the consultation on whether magistrates should be able to specialise in family work (through the document ‘Specialisation of Family Magistrates’) as particularly relevant to the themes of the conference.
- 11.3 Lord Justice Thorpe, deputy head of Family Justice, said the conference was the culmination of a long process of gradual recognition that the family justice system had to be interdisciplinary not only at the national level, but crucially also in its local delivery. He therefore believed that, since the FJC was set up in October 2004, its greatest achievement had been the establishment of the local FJCs.

THE EXPERIENCE OF LFJCS IN THEIR FIRST YEAR

- 11.4 The first session concentrated on hearing from the Local Councils about their experiences in their first year of operation. Two introductory presentations were given. The first was by Elizabeth Walsh, a member of the Thames Valley FJC and a lawyer, mediator, journalist and editor of ‘Family Law’. The second was by Dr John Tripp from the Peninsula (Devon and Cornwall) FJC, a paediatrician and Senior Lecturer in Child Health at the Peninsula Medical School in Exeter, with a special interest in adolescent medicine and one of the authors of The Exeter Study on the effects of family breakdown on children.
- 11.5 Elizabeth Walsh indicated that Thames Valley Local Family Justice Council (which comprises the counties of Berkshire, Oxfordshire and Buckinghamshire, including Milton Keynes) had assembled a Council of high calibre members from across all the disciplines (including a director of children’s services, a senior consultant in child and adolescent psychiatry, experienced legal practitioners, CAFCASS representation from each county, a senior academic in child policy and law, a mediator and a magistrate) under the Chairmanship of Judge John Altman from Milton Keynes and Judge Charles Elly from Reading. The Council was not easily put together. Thames Valley covers a wide area incorporating three Care Centres each with different problems. There are three active Family Court Business Committees which are already involved with some of the issues raised in the Local Council.
- 11.6 Their first full-day conference was a great success, attended by over 200 people. The majority were lawyers with a good representation from CAFCASS and magistrates but few from the Health Service and no social workers at all. The conference was free and the main speaker and draw was Dr David Jones, a child and adolescent psychiatrist from the Park Hospital, who single-handedly seemed to provide the local courts with expert reports.

- 11.7 John Tripp said that the Peninsula FJC met 3 times a year, once each in Truro, Plymouth and Exeter. Their launch speaker for the new entity was Lord Justice Thorpe in Plymouth in November 2004 talking about his plans for the FJC. Their liaison judge, Paul Coleridge, spoke at the next meeting and fielded panel and audience questions under the title "When experts disagree" and in the two most recent meetings they had dealt with the roots of domestic violence and its effects on children with a very challenging talk by Prof Marianne Hester of Bristol University and a fascinating insight into professional risk assessment from Calvin Bell of AHIMSA. They chose to concentrate on this area because it appeared to them that, although the associations between domestic violence, contact and outcomes for children were clearly critical, they were also complex and had to take account of the tacit knowledge of professionals and the findings of research as well as findings of fact, thus making the task of the judiciary very difficult.
- 11.8 In discussion a number of suggestions were made to improve the administration of and support available to individual LFJCs. There was a need for more local medical and police representatives. There were also many suggestions for improvements in communications between the Local FJCs and the National FJC and also between Local Councils and their immediate neighbours. Likewise the agendas of the Local Councils needed to cover a balance of both nationally important matters and key local concerns.

WORK IN THE FAMILY PROCEEDINGS COURTS AND LEGAL SERVICES COMMISSION (LSC) RATES OF COSTS

- 11.9 David Cheek, Chair of the Family Panel, North Staffordshire Magistrates, and HHJ John Fletcher from Coventry gave papers on these two topics, which were among the issues that local FJCs had raised for discussion.
- 11.10 David Cheek spoke about why there had been a major shift towards private law Children's Act applications starting in the County Court rather than in the Magistrates' courts. He suggested there were several procedural and listing reasons why solicitors increasingly preferred the County Court, but a major factor was the higher rate of remuneration they received from the Legal Services Commission for proceedings there.
- 11.11 HHJ Fletcher said that the Family Proceedings Court (FPC) represented an undervalued and under-used resource. He suggested that, in order to encourage solicitors to use it, the LSC needed to harmonise remuneration arrangements for private law applications between the two courts. In particular the rates of pay needed to be the same between the two courts and it needed to be possible for solicitors to instruct counsel in the FPC as well as the County Court.
- 11.12 These two papers provoked lively discussion from the floor.
- 11.13 It was noted that in the Medway pilot of a Family Justice Centre the LSC had given blanket approval for counsel, so that solicitors could now use counsel in the FPC at no risk to themselves. In domestic violence cases, solicitors already got paid at the same rate in both County and Family Proceedings Courts.
- 11.14 In Leicester the administration of the County and Family Proceedings Courts was under the same roof. They had joint listing with back to back sittings of District Judges and FPCs. The Barnet Family Justice Centre pilot proposed three FPCs being moved to Barnet County Court to create a Specialist Family Centre.

- 11.15 Training had been identified as a problem in Blackburn where it was said that there were no funds to provide training for the magistrates and that they therefore could not accept cases. It was suggested that this could be avoided by using Family Panel meetings to deliver the training (for which material had been produced by the JSB) at no extra expense.
- 11.16 Continuity was not perceived to be a problem in many areas where magistrates were able to sit on longer cases and for which the will was very much there. Effective case management might, however, sometimes be lost if cases were transferred to the FPCs, losing the control of the case management judge.
- 11.17 It was noted that the LSC was actively considering the harmonisation of remuneration arrangements between the two courts.

SUPERVISED CONTACT CENTRES

- 11.18 Sarah Blount, Chair of the Norfolk Family Proceedings Court, gave a talk about the work of Norwich and Norfolk Families House, which has, since 1999, provided a Supervised Contact Service under both public and private law. She emphasised the funding difference between public law and private law supervised contact:
- Public law supervised contact was entirely funded and – at least at Families House – almost entirely staffed by the local authority. Families House provided a co-ordinator for this service, who booked and prepared the rooms, met the families and helped to make them feel as relaxed as possible, kept monthly statistics and generally helped out in whatever way she could; and
 - In contrast there was no government funding at all for the private law supervised contact service, except for the very small amounts for assessment on referral, which were reclaimed from the Legal Services Commission by the solicitors. The private law contact was supervised by the qualified social workers who were employed by Families House.
- 11.19 And yet the children of families appearing in court under private law proceedings were in as great a need of good quality contact with their parents, as were the children of families in public law proceedings. If the need was for that contact to be supervised, rather than simply supported, then there was a need for properly qualified and experienced staff, who could undertake preliminary risk assessments and could in any case guarantee the safety of the child while contact took place. Such staff also had the knowledge and experience to recognise when there was potential danger to the child, or when the quality of contact was not such as would benefit the child.
- 11.20 Sarah Blount said that she had established the existence of three long-established supervised contact centres offering the type of service she had described. These were: Coram Family (in London); Pro-Contact (in Manchester) and Norfolk & Norwich Families House (in Norwich). Anecdotally, there were one or two others and in addition some voluntary sector family centres provided a supervised contact service integrated with their other services.
- 11.21 There were also 14 new supervised contact centres, set up in the past 18 months, with start-up money from central government. So there was at present funded private law supervised contact in at most 20–25 contact centres nationally. The programme needed to expand so that there was a supervised contact centre within travelling distance for all children, but at the very least, those that existed and had built up expertise and partnerships with CAFCASS and other services should not be allowed to collapse through lack of sustainable funding.

- 11.22 In the course of the ensuing discussion, DfES indicated that there were now 30–40 supervised contact centres across the country, including the 14 new supervised contact centres that were now receiving their third and final year's worth of funding support from the DfES. A small number of the pre-existing supervised centres had made known to the DfES the funding pressures that they were experiencing. Funding of £3m was available to support child contact services, including those provided by child contact centres, in 2006–07 and £4.5m was available in 2007–08. As well as resourcing the final year of funding to the child contact centres, these resources were available in 2006–07 to design, pilot and develop new services such as the contact activities provided for in the Children and Adoption Bill. The money would also be available in 2006–07 to enable CAFCASS to develop its capacity to commission the new services once the Bill was implemented.
- 11.23 The support given to the 14 new supervised child contact centres was intended to fill in some of the “gaps in the map” that existed across England at that time, though CAFCASS, and its predecessor bodies, had long provided support to many of the small, volunteer-based, supported child contact centres (which might number as many as 300).

THE EARLY INSTRUCTION OF EXPERTS AND THE AVOIDANCE OF DELAY

- 11.24 HHJ Lesley Newton, a family Circuit Judge from Greater Manchester, spoke about the issues which arise from the shortage of experts willing and able to provide expert assistance to the family courts over a wide range of disciplines. She outlined what had happened in Greater Manchester, where discussions as to what might be achieved locally in terms of the more effective use of experts had been led by the DFJ, HHJ Iain Hamilton. Many individuals had contributed to the debate: some as part of the Greater Manchester FJC Experts sub-committee; some within conferences held by Child Concern; and some during the Delay Conference held by Greater Manchester FJC in January 2006.
- 11.25 Their proposition was that obtaining rapid expert advice at an early stage in the proceedings either
- a. as to one or more substantive issues within the case or
 - b. as to the future management of the case
- should prove significantly more helpful to children and their families and might represent a more effective use of scarce resources than the traditional “assessment” commonly provided some 4–6 months after the commencement of proceedings. It had been the Manchester experience that delay in obtaining a full assessment, however excellent it was when it came, precluded exploration of the possibility of working constructively towards rehabilitation in some cases. It was, sadly, sometimes only at the Professionals' Meeting, held at a late stage in the proceedings, that the possibility was identified, often resulting in very extended timescales for the children.
- 11.26 Accordingly Manchester was seeking to encourage a more creative and imaginative use of scarce expert resources. Many, if not most, experts are accustomed in their ordinary professional lives to the discussion of clinical information in a multi disciplinary context particularly with those working directly with the client / patient, sometimes termed a “consultative model”. Manchester LFJC believed that such a model could be replicated within some care proceedings. They wanted to encourage

a more collaborative “issue identification and problem solving” approach in respect of a family’s identified difficulties. Professionals each understanding the contribution they might each make alongside others, should work together to determine which aspect of expertise needed to predominate at which point and/or how to blend them.

- 11.27 HHJ Darwall-Smith spoke about the action being taken in Avon, Somerset and Gloucester to tackle delay. They had created a seven-point action plan. Their challenges were:
- ‘1. We aim to **improve the confidence of social workers** in the court process & improve other agencies’ confidence in them by providing high quality training in undertaking assessments.
 2. The 5 Local Authorities will be more conscientious about producing a **threshold criteria document at an earlier stage**.
 3. **Guardians** will aim to provide a **risk assessment of the impact of delay** on each child at an early stage and provide interim reports on specific issues.
 4. We aim to **encourage the use of local experts** rather than relying on the same pool of national experts.
 5. In the **Bristol care centre**, the aim is to increase sitting days, increase the role of DJs, and monitor transfer between the FPC and care centre moving cases where appropriate.
 6. Complex cases involving **split hearings cause delay**. We aim to be more vigilant as to judicial continuity and ensure that one judge manages the case from the outset.
 7. We would like to suggest that the National FJC considers commissioning **research on outcomes for children**.’
- 11.28 In subsequent discussion it was agreed that early identification of experts, especially local experts who were available quickly, was important. The court must be satisfied that expert evidence was going to add real value to the case. Although there could be early identification of issues with the assistance of experts, it was necessary to exercise firm case management to avoid any unnecessary use of experts which would not provide additional value.
- 11.29 The conference did not reach a concluded view on whether assessments should be done before proceedings started. Although this would in principle be desirable, it was not clear who would pay if they were done pre-hearing, and who would exercise control over the content / length / quality and costs of assessments. It might be that, only when the court had been seized of the matter, could issues be narrowed and focussed.
- 11.30 There was, however, much information collected about children **before** proceedings and an opportunity to collate this information and use it in the proceedings was being missed. The information was out there, but was not being used. Health professionals should not step back when applications were issued. There should be systems in place locally to collect this information and the interdisciplinary dialogue should not be missed.
- 11.31 LFJCs should promote understanding of the work of different health professionals so that the appropriate expert was used. There was also an important role for LFJCs in promoting the interdisciplinary aspects of avoiding delay, particularly with reference to experts, by clearing misconceptions about who did what and by raising the profile of social work.

- 11.32 It was agreed that it was hard to get relatives to come forward at an early stage. When they did come forward as possible carers, and assessments were positive, this did not present a problem, but if the assessment was unsatisfactory, it could add even more to the length of the hearing.
- 11.33 A long-term project might be instituted to normalise the idea of family members coming forward at an earlier stage to avoid the late identification of family carers. Local authorities could be more proactive, but timing was usually linked to the stage where parents were no longer considered to be able to care. Early reports from Guardians might be used to identify those who were possible carers, but often these individuals did not come forward, not simply because they did not want to undermine the parents, but because they did not want to take on the responsibility, unless there was absolutely no alternative option.
- 11.34 There might be a role for lay advocates/early legal advice to endeavour to re-engage families and prevent or re-direct proceedings. Parents were often vulnerable and did not know what was going on in the proceedings.



CHAPTER 12

Challenges for 2006-07

- 12.1 The Council has set itself six strategic objectives to deliver in 2006–07. (The Council's full Business Plan for 2006–07 is attached at Annex D.) The Lord Chancellor has endorsed these objectives. They are:
- 1) **To establish effective links with and support to the Local Family Justice Councils (LFJCs)**
- 12.2 The LFJCs have made much progress since they were created, as set out in Chapter 10. They are, however, still of relatively recent origin and are at varying stages of development. The FJC needs to determine what further support or guidance it needs to give to help the LFJCs to be as effective as possible in their areas. For example it is currently working on the production of a template for a training day on domestic violence, which will be made available to LFJCs.
- 12.3 To assist with this process, the FJC will put in place arrangements whereby each local Council will be sponsored by a named individual member of the national Council, who will attend the occasional meeting of their local Council. This will be supplemented by visits and support from the LFJC liaison officer in the national Council's secretariat.
- 12.4 The individual national Council sponsors and the LFJC liaison officer will therefore be key links in transmitting local concerns to the national Council. In addition there will be a newsletter for LFJCs, in order to communicate important matters and good practice. The FJC website will also be updated and thereafter maintained as an information source for the LFJCs and others interested in family justice.
- 2) **To implement the recommendations of the Spencer Review of the national Council**
- 12.5 Between November 2005 and January 2006 Jonathan Spencer, formerly Director General, Policy in the DCA, reviewed the organisation of the FJC. He had been asked to consider:
- The key priorities of the Council, including the development of a medium term work programme;
 - How the Council should be supported administratively;
 - What processes, structures and ways of working should be put in place to secure that the Council operates effectively, given its NDPB status; and
 - Any other points relevant to the success of the Council.
- 12.6 In order to implement the recommendations of his report the Council has reviewed its committee structure and intends to operate through a reorganised and rationalised set of committees in 2006–07. A new full time Chief Executive will be appointed by July 2006. The secretariat will be expanded so that it can more effectively support the work of the Council through research, communication with relevant government departments and other organisations. The intention is that the secretariat should then be in a position to ensure that the Council is fully aware of all current issues relevant to family justice and to enable it to deliver its forward work programme.
- 3) **To examine the use and role of experts in the family justice system**
- 12.7 There has been significant concern about the supply and quality of expert witnesses. The Council keenly awaits the report from the Chief Medical Officer, which has been commissioned on this subject.
- 12.8 The Council intends, through its experts subcommittee, to work with the relevant professional bodies and colleges in order to develop and promote appropriate inter-disciplinary training and educational opportunities to deliver the needed supply of

experts able and prepared to give evidence. The primary purpose will be to help the different professional groups, particularly judicial, legal and health professionals, understand their complementary roles. This may require changes to the Protocol and the support / dissemination of a combination of information, single agency and interdisciplinary training programmes and events.

- 12.9 There have also been concerns about the quality of the instructions given to experts. The Council intends to address this by promoting the use of revised model draft instructions to experts within the revised protocol for the judicial case management of public law children cases.
- 12.10 In order to facilitate the giving of evidence by experts and reduce the calls on their time (which for busy professionals act as a significant disincentive to undertake this work), the Council also intends to promote the use of video link facilities for experts giving oral evidence and the electronic delivery of written expert reports.
- 4) To identify and address major issues of concern in proceedings safeguarding children**
- 12.11 The DCA and DfES carried out a major review of care proceedings in 2005–06. The Council will respond to the review's proposals by June 2006 and thereafter provide guidance and assistance to practitioners through LFJCs in implementing agreed recommendations for change.
- 12.12 Lord Carter has carried out a review of Legal Aid, including in public law child proceedings. The Council will respond to Lord Carter's questions in order to enable that review to understand the complex context in which such proceedings usually take place.
- 12.13 Other initiatives to improve the conduct of care proceedings, which the Council will examine, are:
- the early involvement of health professionals in the analysis of key issues;
 - the speed of decision making by police and CPS where there are parallel criminal proceedings;
 - the impact of the local authority panel system on delay in decision making; and
 - the relationship between the children of asylum seekers and the Home Office.
- 5) To ensure better outcomes for parents and children in private law proceedings**
- 12.14 The Council will give priority to increasing the early identification of, and addressing the needs of, families who may be at risk because of domestic violence, including the special needs of those from BME communities.
- 12.15 In March 2006 Lord Justice Wall reported to the President of the Family Division on judicial involvement in cases mentioned in a Women's Aid report into 29 child homicides, where the children had been murdered by their fathers. In five of the families involved, the children had been killed in the course of contact which had been ordered by the court in private law proceedings between the parents.
- 12.16 One of Lord Justice Wall's recommendations was that the Family Justice Council should consider and prepare a report to the President on the approach the courts should adopt to proposed consent orders in cases where domestic violence is an issue. The President has asked the FJC to prepare such a report by January 2007.

- 12.17 The Council also intends to provide advice to the President by January 2007 on the desirability and feasibility of, and changes necessary for, enabling judges to see children in the course of proceedings.
- 6) **To identify and address major issues which affect families in relation to financial and property matters**
- 12.18 The Council will seek to encourage an acceptance that the CSA requires wholesale reform. It will also consider if there is a renewed potential for the courts to have a role. In order to achieve this the Council intends to review, consider and report on the potential for reform and improvement of methods of child support and the potential role of alternative dispute resolution (ADR) methods in child maintenance issues by 31 March 2007.
- 12.19 The Council will also advise in the same time frame on whether, and to what extent a) pre-nuptial contracts should be accepted as governing people's rights, when their relationship ends; and b) there is a more general need for reform of s25 of the Matrimonial Causes Act 1973 (which sets out the statutory basis for money and property settlements on divorce).
- 12.20 The Council will also seek to promote a uniform approach to Financial Dispute Resolution (FDR) hearings through advice and assistance to the LFJCs.
- 12.21 Lastly the Council will respond to the Law Commission's Consultation Paper, Cohabitation: The Financial Consequences of Relationship Breakdown, by 30 September 2006.

ANNEX A

THE TERMS OF REFERENCE OF THE FAMILY JUSTICE COUNCIL

The Family Justice Council aims to facilitate the delivery of better and quicker outcomes for families and children who use the family justice system by:

- Promoting improved interdisciplinary working across the family justice system through inclusive discussion, communication and co-ordination between all agencies;
- Identifying and disseminating best practice throughout the family justice system by facilitating a mutual exchange of information between local committees and the Council, including information on local initiatives;
- Consulting with government departments on current policy and priorities and securing best value from available resources;
- Providing guidance and direction to achieve consistency of practice throughout the family justice system and submitting proposals for new practice directions where appropriate;
- Promoting commitment to legislative principles and the objectives of the family justice system by disseminating advice and promoting inter-agency discussion, including by way of seminars and conferences as appropriate;
- Promoting the effectiveness of the family justice system by identifying priorities for, and encouraging the conduct of, research;
- Providing advice and making recommendations to Government on changes to legislation, practice and procedure, which will improve the workings of the family justice system.

ANNEX B

MEMBERSHIP OF THE FAMILY JUSTICE COUNCIL



Chair: ex officio

The Rt. Hon. Sir Mark Potter,

President of the Family Division and Head of Family Justice

Sir Mark Potter was born 27 August 1937, educated at Perse School, Cambridge; Gonville and Caius College, Cambridge. Married Lady (Undine) Potter in 1962 and has two sons and two grandchildren.

President of the Family Division since April 2005. The Family Division has 19 judges. Judge of the High Court, Queens Bench Division 1988–1996; Presiding Judge of the Northern Circuit 1991–94; Judge in charge, Commercial Court 1994–95; a Lord Justice of Appeal 1996–2005.

Called to the Bar 1961, by Gray's Inn; in practice at the Bar 1962–88; QC 1980; Bencher 1987. The Treasurer of Gray's Inn in 2004.

From 1980–84 member of the Supreme Court Rule Committee; Lord Chancellor's Civil Justice Review Committee, 1985–88; Chairman Bar Public Affairs Committee, 1987; Vice-Chairman Council of Legal Education, 1989–91; Chairman of the Lord Chancellor's Advisory Committee on Legal Education and Conduct, 1998–99; Chairman of the Legal Services Consultancy Panel, 2000–2005; Chairman Family Procedure Rules Committee 2005–; Chairman Family Justice Council 2005–.

Member Council, Nottingham University, 1996–99. Trustee, Somerset House Trust, 1997–. Hon. Fellow Gonville & Caius College, Cambridge and King's College, London; Hon. LLD London Metropolitan, 2000. Patron Children Law UK & STEP.



Deputy Chair:

The Rt. Hon Lord Justice Thorpe

Deputy Head of Family Justice. Head of International Family Law.

Chair of the Executive and Expert Committees.

Sir Mathew Thorpe was educated at Stowe and Balliol College, Oxford. He was called to the Bar, Inner Temple, 1961, and became a Bencher of the Inner Temple 1986.

A mixed practice until taking Silk in 1980, thereafter specialising in family law. Counsel to the Cleveland Inquiry 1987. Appointed a judge of the High Court, Family Division, in 1988. Liaison Judge for the Western Circuit 1991–1995. Appointed a Lord Justice of Appeal in 1995.

President: Parentline Plus and Mediation in Divorce. Governor: Thomas Coram Foundation. Trustee: St Saviour's Priory.



Mrs Justice Baron

Chair of the Money and Property Committee

The Hon Mrs Justice Baron was born in 1952. She was educated at Jersey College for Girls and thereafter at St Hugh's College, Oxford. She is a Bencher of Middle Temple having been called to the Bar in 1976. She became a Silk in 1995. Her practice speciality was big money cases and she was in a number of leading cases. She was Head of Chambers at Queen Elizabeth Building from 2001 until her appointment to the High Court Bench in January 2004. She is on a number of committees. Her interests include ballet, opera and travel.



Paul Clark
Director of Children's Services

Paul Clark began his career training as a lawyer but he changed direction and subsequently qualified as a social worker working in Northamptonshire, where he managed local teams, family centres, children's homes and later the county information system.

He moved to the Social Services Inspectorate where he led on child protection. He was seconded to manage Cleveland Social Services children and families after the "crisis" and then later rejoined the SSI.

Paul worked for one year with the Chief Inspector of Prisons when he wrote the Young Prisoner report. He returned to the SSI and became national lead on Quality Protects, Youth Justice and Complex Abuse.

He worked in Hertfordshire County Council as Deputy Director, Children, Schools and Families and moved to Harrow Council in October 2003 as the Director of Children's Services.

Paul Clark is a board member of Child Exploitation and Online Protection Centre (CEOP) and a Fellow of the Royal Society of Arts.



Stephen Cobb QC

Stephen Cobb was called to the Bar in 1985, and was appointed Queen's Counsel in 2003. He has specialised in family law at the Bar since 1990. The majority of his work concerns children, in public law and private law proceedings, and occasionally by way of judicial review.

He is a member of the FJC's Experts Committee, and the 'Children in Safeguarding Proceedings' Committee. As a member of the Family Justice Council, he has also directly participated in consultations on the use of experts in family cases, and on transparency in the family courts.

He is a Recorder of the Crown Court; he is an elected member of the committee of the Family Law Bar Association. He is a member of the NYAS (National Youth Advocacy Service) Professional Advisory Group. He is a general editor of Clarke Hall & Morrison on Children, having previously edited Essential Family Practice (Butterworths). He has appeared in over 30 reported cases in the law reports.



Jane Craig
Chair of the 'Children in Families' Committee

Jane is a partner and business head of the family law department at Manches LLP. She qualified as a solicitor in 1982. She lives in London and is married with a school-age daughter.

Jane trained as a solicitor at a High Street Legal Aid practice in the North East of England. She then spent five years at a High Street Legal Aid practice in South East London, where she gained wide-ranging family law experience, including a high volume of domestic violence cases, private law disputes concerning children and financial disputes on divorce involving limited financial means and often multiple social problems.

Jane joined Manches in 1988 and became a partner in 1992.

Jane specialises in the financial aspects of high value divorce cases, disputes concerning residence or contact arrangements for children, disputes between unmarried cohabitants when their relationship breaks down and financial provision for the children of unmarried parents (Schedule 1 Children Act cases).

Jane was National Chairman of Resolution (formerly the Solicitors Family Law Association) from May 2001 to March 2003. She then chaired Resolution's Cohabitation Committee, working for reform of the law in relation to co-habitants, until March 2006, and remains a member of the Committee.

Jane is a contributing editor of Sweet & Maxwell's textbook, *Cohabitation: Law and Precedents*. She is a member of the Law Commission's Co-Habitation Project Legal Advisory Group and a member of the advisory group to the Department for Constitutional Affairs which in 2005 commissioned research from the National Centre for Social Research into the arrangements made by cohabiting couples for finances and parenting on separation. She writes a quarterly column on family law issues for *Solicitors Journal* and is a regular contributor to other publications, writing on family law issues.



District Judge Nicholas Crichton

Inner London Family Proceedings Court at Wells Street

Currently Lead FJC member for work on 'hearing the voice of the child'.

Nicholas Crichton was a solicitor in private practice in North West London with particular interest in care proceedings/child protection, 1971-1986.

Appointed Metropolitan Stipendiary Magistrate, since renamed District Judge (Magistrates Court), 1986. Appointed Recorder (public and private family law tickets) 1991.

Appointed in 1995 to sit full time in Family Proceedings and closely involved in setting up and development of Inner London Family Proceedings Court at Wells Street, which opened in April 1997.

Former member of Judicial Studies Board Family Committee and former chair of Inner and North London Guardian ad Litem Panel Committee.

Chair/serving member of a number of committees and groups including Association of Lawyers for Children and Young Persons subcommittee, NSPCC group producing information for children with disabilities who face care proceedings, Coram Family Advisory Groups and National Youth Advocacy Service Professional Advisory Group.

Frequent speaker at International Conferences and regular work in the field of child protection in Russia and Bulgaria.



Katherine Gieve

Chair of the 'Children in Safeguarding Proceedings' Committee

Katherine Gieve is a partner and head of the family department at Bindman & Partners. She qualified as a solicitor in 1978. She lives in London and is married with two children.

After working in a Law Centre and for Family Rights Group she came to Bindmans in 1988 and became a partner in 1991.

Katherine specialises in cases concerning children, both public law care cases and cases following the breakdown of relationships between the parents. She represents parents and children, and other family members. She represents children and parents in cases concerning medical treatment: in the case of the conjoined twins she represented 'Jodie'. She has experience of adoption and declarations of parentage, and represents both children and parents in surrogacy cases. Katherine takes abduction cases for the Central Authority.

Katherine is a member of the Law Society Children Panel. She is a member (and former chair) of Resolution (formerly SFLA) children committee. She is a member of the Nuffield Foundation committee on Child Protection and Family Justice. She is a member of the Association of Lawyers for Children. She has been on the advisory committee for a number of research projects including, most recently, Dr Julia Brophy's research on the significance of ethnicity in care cases. She lectures on children law.



Dr Danya Glaser

Danya Glaser is a consultant child and adolescent psychiatrist at Great Ormond Street Children's Hospital, London. Previously a developmental paediatrician, she has worked in Children and Adolescent Mental Health Services both in the community and in hospital settings. She heads an integrated child protection service comprising three multidisciplinary teams who, respectively, work with the identification and treatment of emotional abuse; carry out assessments and provide multidisciplinary expert reports and evidence in Children Act proceedings; and consult and offer treatment for very troubled children and their (often) new carers post protection. Dr Glaser has taught and written widely on all aspects of child maltreatment including: sexual and emotional abuse; fabricated or induced illness; effects of adult mental illness on child welfare; and the interface between child abuse and the law. With her research team, she is about to complete a follow-up study of children who have been subject to care proceedings. Her current academic activities with her colleagues include completing a book on attachment and attachment disorders, and the effects of child maltreatment on the developing brain. Dr Glaser is currently president-elect of the International Society for the Prevention of Child Abuse and Neglect (ISPCAN).



Elaine Laken

Clerk to the Justices for the local justice areas of Bath & Wansdyke, Mendip and North Avon

Elaine started work in the Magistrates' Courts Service in 1974 and has worked in the West Country since that time. She was called to the Bar in 1978 and is a member of the Inner Temple.

Throughout her career Elaine has taken an interest in family and mental health issues. She was a member of the Home Office team that trained magistrates and staff in the provisions of the Children Act 1989 and she continues to train in relation to new legislation / updating on case law and initiatives.

She was a member of the President's Adoption Committee and the Advisory Committee that produced the Protocol for Judicial Case Management in Public Law Children Act Cases.

She is also a member of the JSB Family and Magisterial Committee and the Avon, Somerset and Gloucestershire Local Family Justice Council.



Mary MacLeod

Chief Executive of the National Family and Parenting Institute

Mary MacLeod joined the National Family and Parenting Institute (NFPI) as its first chief executive in October 1999. Formerly of Barnardo's, Lothian Region Social Work Department, ChildLine and the Universities of Edinburgh and North London, she has written widely about child and family welfare. Publications include: *Why Me? a study of bullying*; *Children and Racism*; *Child Protection: Everybody's Business*; and *Unhappy Families, Unhappy Children*. She is an Honorary Research Fellow at the University of Warwick, a member of government and non-government research and policy advisory groups on children and family issues and a Board member of National Children's Bureau.



Judith Masson

Professor of Socio-Legal Studies, Bristol University

Judith Masson is co-author (with Dr Stephen Cretney and Professor Rebecca Bailey-Harris) of a leading text, *Principles of Family Law* (7th ed 2003) and teaches courses on Child Law and International Issues in Child Law. She has undertaken numerous studies on the way the law relating to children is applied in practice. These include a major project on adoption by parents and step-parents – J. Masson *et al.*, *Yours, Mine or Ours* (1983); research on the use of wardship proceedings by local authorities to protect children; on representation of children in child protection proceedings; on civil litigation by children.

Her books include *Out of Hearing* (1999) with Maureen Winn-Oakley, a research-based account of children's experience of being represented by solicitors and children's guardians in care proceedings, and *Lost and Found* (1999) with Christine Harrison and Annie Pavlovic. This book was based on a three-year action research study of the possibilities for and barriers to social work with parents whose children were looked after long-term and not currently in contact with them. She has recently completed two studies on emergency intervention in child protection, jointly funded by the NSPCC and the Nuffield Foundation and is writing a book *Protecting power* to be published by Wiley on this research. She is currently advising on research on specialist domestic violence courts.

Apart from her university work Judith Masson has undertaken consultancies for various NGOs including Voice for the Child in Care, Family Rights Group and British Agencies for Adoption and Fostering. She was specialist advisor to the House of Commons Select Committee Inquiry into CAF/CASS and is a member of the Judicial Studies Board.



Professor Corinne May-Chahal

Director of Social Work and Professor of Applied Social Science, Lancaster University.

Previous Posts:

1976–1977 Residential Child Care Officer, London Borough of Greenwich

1978–1983 Social Worker, Lancashire County Council

1983–1987 Lecturer, Lancashire Education Authority

1988–1991 Researcher/Child Protection Officer, NSPCC, North West

1991–1994 NSPCC Research Fellow, Lancaster University

1995–1996 Lecturer in Applied Social Science, Lancaster University

1996–1998 Co-Ordinator of Concerted Action on the Prevention of Child Abuse in Europe (Lancaster University), Reader in Applied Childhood Studies (University of Huddersfield)

1998–2003 Professor of Child Care, University of Central Lancashire.

Corinne's first research project was *Disclosure: The Child's Perspective* (NSPCC, 1988). Other work has included being a member of the Home Office Pigot Code of Practice Steering Group which drafted the *Memorandum of Good Practice on Video Recorded Interviews with Child Witnesses for Criminal Proceedings* (1992), helping to develop child-focussed organisations and child centred systems.

Two of her books are structured around the expressed views of children (*Child Sexual Abuse: Responding to the Experiences of Children*, (1999) & *Child Sexual Abuse: Listening, Hearing and Validating The Experiences of Children* (1989)). She has substantial experience in comparative European research in child welfare law, policy and practice through involvement in several EU collaborations. Amongst completed projects are the Concerted Action on the Prevention of Child Abuse in Europe (CAPCAE), CUPICSO (Collection and Use Of Personal Information on Child Sex Offenders in Europe), SIFS (Social Inclusion and Family Support), and PANDORA (Confidentiality and the Response to Children in 5 European Countries).

Current work includes being a partner in CAHRV (Co-ordination Action on Human Rights Violation), engaging young people missing from education and young people and gambling.



District Judge Marilyn Mornington

District Judge, Barnsley

Chair of FJC Domestic Violence Working Group

Marilyn Mornington was a barrister practicing from Oriell Chambers, Liverpool. Mixed Practice – Civil, Family and Criminal Law, 1976–1994.

Director of property development Company – Beetham (family Company) 1989–1996.

District Judge 1994–July 2005 – Birkenhead and Liverpool, July 2005–September 2005 – Salford, September 2005 – Barnsley.

Lecturer and writer on Family Law and in particular, domestic violence and elder abuse, nationally and internationally, for – Witness Support (nationally and regionally) The Police, British Medical Association, The Law Society, World Health Organisation, The Judiciary, Local Authorities, The Commonwealth Judges Association, The Home Office and IPCC.



Her Honour Judge Lesley Newton

Circuit Judge, Manchester

Lesley Newton was called to the Bar in 1977 and joined chambers in her home town of Middlesbrough. Subsequently moved to Manchester where she practised for over 20 years. In the latter years she specialised in family cases particularly those involving children. Became Head of Young St Chambers in 1997.

She was appointed as an Assistant Recorder in 1995, Recorder in 1999 and as a Circuit Judge in 2001. She currently sits in Manchester conducting both family and criminal cases. Manchester is a busy care centre and much of her workload involves public law applications.

She has served on numerous committees and organisations concerned with the development of family law.



Dr Rosalyn Proops
Consultant Community Paediatrician

Dr Rosalyn Proops is a Consultant Paediatrician in Norwich and Senior Lecturer, The Medical School, University of East Anglia.

Rosalyn qualified in 1974 at the University of Birmingham and has worked in the West Midlands, Edinburgh and the United States, moving to East Anglia as a Consultant in 1987.

Rosalyn has extensive experience of developmental and social paediatrics and of all aspects of Child Protection work. She has held a number of management roles including Medical Director and Designated Doctor for Child Protection for 12 years.

Rosalyn's particular interest is in inter-disciplinary work in Child Protection and she has considerable experience in policy development, teaching and training across agencies, particularly with social care professionals, the police and the judiciary.



Malcolm Richardson
Magistrate, South Gloucestershire

Malcolm Richardson has been a magistrate in South Gloucestershire since 1989. He joined the Family Panel on its creation. He was chairman of the Panel for six years until he became chairman of the bench at the beginning of 2004. He is a trustee of the Magistrates' Association having been a member of its Council since 1998 and serving on its Family Proceedings Committee for four years, three of them as chairman. His family justice interests are to help further the development of an integrated specialist service making optimal use of the magistracy and campaigning for the infrastructure and professional resources to enable such use. Most recently he was a member of the Advisory Group to the DCA Child Care Proceedings System Review.

He is also a global business management consultant specialising in the high-technology and chemicals industries, advising on and helping facilitate the implementation of business transformation strategies and most particularly on the creation and exploitation of partnerships and alliances.



Khatun Sapnara
FJC lead on Diversity issues

Khatun Sapnara read law at The London School of Economics and has been a practising barrister for 16 years. Her practice is exclusively in family law. She is a member of Coram Chambers, which is a specialist family law set based in The Temple, London.

Khatun has extensive experience of cases involving private law (residence and contact disputes) and public law (care) proceedings pursuant to the Children Act 1989; child abduction; domestic violence; adoption and wardship.

Khatun was appointed to the Family Justice Council when it was formed in 2004. In addition to the main Council, she serves on the Executive and the Children in Safeguarding Proceedings Sub-Committees and is Chair of the Diversity Sub-Committee. She was elected to the Committee of the Family Law Bar Association in 2003. On behalf of the Judicial Studies Board, she regularly undertakes diversity training of Judges sitting in family law cases.

Khatun is on the governing body of a state secondary school in London and a Director of “Project Freshstart,” a registered charity providing education and employment training for socially excluded young people. She is also Chair of “Ashiana”, a refuge and outreach support service for women from South Asian, Turkish and Iranian backgrounds experiencing domestic violence or at risk of forced marriage and is an Advisor to the United Kingdom Immigration Advisory Service.

Khatun is of Bangladeshi origin and speaks Bengali and Sylheti. She is married and has two children.

EX OFFICIO MEMBERS

Jane Booth

Corporate Director for CAFCASS

Jane leads for CAFCASS on a number of issues including the policy lead on Public Law and Adoption and Practice Development. She holds a Certificate of Qualification in Social Work, a Diploma in Applied Social Studies and an MA in Child Care Law and Practice.

Jane started her career as a Probation Officer, in the then West Riding of Yorkshire. In 1978 she moved into generic social work with Social Services and became an early member of the Leeds, Bradford & Calderdale Panel of Guardians ad Litem in 1984.

She has subsequently managed both a Guardians’ Panel and child protection services in London and the North.

From 1996 to 2000 she was the Assistant Director for Children’s Services in Kirklees and immediately prior to joining CAFCASS was the Regional Director for the Social Services Inspectorate in the North West.

Bruce Clark

Head of Vulnerable Children Division, DfES

Bruce Clark is a Divisional Manager within the Children, Young People and Families Directorate of the DfES. He is responsible for policy relating to looked after children, adoption, the sponsorship of CAFCASS and for public and private law Children Act issues. Bruce has been a civil servant since 1999, following previous work as a social work practitioner and manager within three local authorities and the NSPCC.

Peter Clarke

Children’s Commissioner for Wales

Peter Clarke is a qualified social worker by training with extensive voluntary sector experience. Peter Clarke was born in Llandudno and now lives near Swansea. His career started at Stamford House Remand home in London and continued through residential and field social work in London and Brighton. He joined SCOPE in 1985 and became its Community Care Adviser before becoming the first Wales Director of the National Schizophrenia Fellowship in 1991. Peter became Wales Director of ChildLine in 1995, and was on the boards of a number of charities including Voices from Care before being appointed Commissioner in 2001.

As the first UK Commissioner for Children, he has an overarching aim to “promote and safeguard rights and welfare of children” in Wales. In addition to reviewing services and recommending improvement, he can conduct ‘Examinations’ (effectively public inquiries).

Main responsibilities: to listen to young people's concerns, especially marginalised groups, and advocate for them.

Main powers: to require service providers to give information when receiving cases, services or policies; to make recommendations to all levels of government and monitor compliance. Remit will be extended to include CAFCASS after the Children's Bill becomes law.

During the five years he has been Commissioner, Peter has campaigned hard for children. His team has completed a number of reports on ways children can make complaints, and conducted a major public inquiry into child sexual abuse. His office is currently conducting a major review into bullying.

Janet Douglas

Head of Consular Assistance Group, Consular Directorate, FCO

Janet Douglas has been Head of Consular Assistance Group in the Foreign and Commonwealth Office's Consular Directorate since 2004. The Group handles individual case-work involving British nationals who get into difficulties overseas. This can include anything from minor accidents to hostage situations, and from lost passports to murder investigations. The Group also supports British people in a range of family law related cases such as child abductions, matters involving minors and forced marriages. It also has responsibility for monitoring and safeguarding the human rights of Britons overseas – including those in prison, and particularly those who have suffered mistreatment, or have been sentenced to death.

Terry Grange

Chief Constable of Dyfed Powys

Following police service with the Metropolitan Police and the Avon and Somerset Constabulary, Terry Grange was appointed Chief Constable of the Dyfed Powys Police in March 2000.

Terry Grange sits on the following national Association of Chief Police Officers' (ACPO) Business Areas: Chief Constable's Council and Crime. He holds the ACPO Personal Crime Portfolio on the ACPO Crime Committee. As such he has an overview of domestic violence, harassment, rape, homicide, combatting child abuse on the internet as well as having child protection and the management of sex offenders as his own business areas.

Since holding the portfolio he has given evidence to the Home Affairs Select Committee on their enquiry into the Police investigations of Historic Institutional Child Abuse and to the Victoria Climbié Inquiry.

Sheridan Greenland

HMCS Area Director for London Family Business

Sheridan Greenland is Area Director for all family courts in the London Region with a family national strategy portfolio. As Area Director for London Family, Sheridan is responsible for bringing together the administration of all family work in London in a way that will deliver a unified family service for the region. As part of the national family portfolio Sheridan will be taking forward the proposals from the 'Review of the Child Care Proceedings System in England and Wales'.

Sheridan entered the magistrates' courts service in 1983. In 1998–99 she was seconded to the Lord Chancellor's Department and in 1999 was appointed Justices' Chief Executive for Surrey. Sheridan was called to the Bar in 1982 and is a member of the Inner Temple.

Dafydd Ifans

Chief Executive, CAF/CASS CYMRU

Dafydd Ifans is the Senior Civil Servant within the Welsh Assembly Government who is the Chief Executive of CAF/CASS CYMRU. Responsibilities for CAF/CASS functions in Wales became the responsibility of the National Assembly for Wales on the 1st of April 2005. The organisation is now a separate entity from CAF/CASS in England and is a Division with the Welsh Assembly Government. A framework document is in place to maintain its professional independence, which holds the Chief Executive directly accountable to the Minister for Social Justice and Regeneration for CAF/CASS operations in Wales.

Angela Lake Carroll

Head of Children and Family Services

Legal Services Commission

Angela Lake Carroll has worked extensively in private and public law and is also an accredited mediator. She previously acted as an independent external consultant to the Family Advice and Information Service (FAInS) pilot project, and as writer and presenter of the programme of professional development for family solicitors involved in the pre-pilot phase of the project.

Angela is formerly the Chief Executive of the Family Mediators Association (FMA), and a writer and speaker on family mediation and family law issues. She is a trainer in mediation and alternative dispute resolution techniques including collaborative law, and author of 'Foundation Training in Family Mediation' for FMA. She has also written training on dispute resolution for the Slovenian Family Court Judiciary on behalf of the ADR Group.

A former lecturer at Oxford University, Faculty of Law (Continuing Education), she was also responsible for writing and piloting the first series of lectures in 'Mediation and Law in Context', which considered the use of mediation in various settings, including international disputes.

A graduate of Law and Psychology, and a former Guardian ad Litem, she has a particular interest in children and family issues. She is a member of the National Youth Advocacy Service Professional Advisory Group, UK Collaborative Law Steering Group and Resolution (formerly SFLA) Accreditation Advisory Group. She is a former member of the Independent Tribunal Service (Child Support Appeals).

Diana Luchford

Head of the Youth Justice and Children Unit (YJCU), Home Office.

The aim of YJCU is to develop youth crime prevention, early intervention and youth justice policy and law, to ensure implementation and delivery including by sponsoring the Youth Justice Board and to ensure that Home Office interests are represented in the development of the children's agenda.

Amy Nicholas**Deputy Head of the Child Health and Maternity Branch in the Department of Health, with specific responsibility for child health policy**

Amy Nicholas' portfolio covers implementation of the National Service Framework for Children, including NHS safeguarding of children. She joined the Department of Health in 1992 having worked extensively in NHS management and public health.

Mark Ormerod**Director, Civil and Family Justice, DCA / HMCS**

Mark Ormerod was appointed Director, Civil and Family Justice DCA/HMCS in April 2005. He has also worked in the Lord Chancellor's Department, the Home Office and the Cabinet Office. He was Private Secretary to the Lord Chancellor (Lord Mackay of Clashfern) 1993–1996.

ANNEX C

EXPENDITURE 2005-06 AND BUDGET FOR 2006-07

Family Justice Council		
Estimated Actual Spending 2005-06		£300,000 0 for 2005-06
Staff Salaries		111,295.50
Consultancy	- Jonathan Spencer	7,248.25
Members T & S		4,472.49
Staff T & S		375.16
Publication	- Working in the Family Justice System	2,400.00
Stationery		313.90
Research	- CAFCASS Digests for website	160.54
	Professor Masson's work	1,400.00
Catering		975.42
Dartington Conference		21,290.10
Voice of the Child		8,000.00
Annual Report		
Total		157,931.36
Returned to DCA		100,000.00
Remaining		42,068.64

FAMILY JUSTICE COUNCIL PROJECTED SPEND FOR 2006-07

Staffing Costs		
Salaries		237,098
T & S		1,200
Council Meetings		
Hire of venue/refreshments/IT etc		1,000
Members' T&S		7,500
Conferences		32,000
Recruitment		5,000
Consumables, (Stationery, office equipment, catering)		1,500
Funding of and Production of Training (Domestic Violence)		30,000
Other ad hoc projects		
'Voice of the Child' DVD		
Production of Annual Report		10,000
Website		2,000
		327,298

ANNEX D

BUSINESS PLAN 2006-07

Introduction

1. In March 2002 the then Lord Chancellor's Department published its consultation paper, 'Promoting Inter-Agency Working in the Family Justice System', which proposed establishing a committee to promote interdisciplinary co-operation and best practice, and to advise government on issues affecting the family justice system.
2. The response to the consultation paper was overwhelmingly in support of the proposal, and in May 2003 the Lord Chancellor approved the establishment of the Family Justice Council which became operational on 1 July 2004.

The Primary Role of the Family Justice Council

3. The Council's primary role is to promote an inter-disciplinary approach to family justice, and through consultation and research, to monitor how effectively the system both as a whole and through its component parts delivers the service the Government and the public need and to advise on reforms necessary for continuous improvement. Its particular objectives and intended activities for 2006-07 are set out in Annex A to this plan.

Statutory Provision and Status

4. The Council is a non-statutory, advisory Non-Departmental Public Body.

Membership

5. The Council consists of a representative cross section of those who work, use, or have an interest in, the family justice system. The majority of members will serve a fixed term appointment of three years, although for obvious reasons, those appointed initially were given periods of appointment varying between two and four years.
6. Appointments to the Council are made by the Secretary of State for Constitutional Affairs or the Lord Chief Justice (in the case of judicial members) in consultation with the Chair of the Council and made in accordance with the guidance issued by the Office of the Commissioner for Public Appointments. Subject to performance, any member may be re-appointed for consecutive terms up to a maximum of no more than ten years. Members are not remunerated.
7. The Chair is ex officio. Additionally, Government departments with an interest in family justice are invited to appoint a representative.
8. Set out below is the membership of the Council during 2005-06:

Ex-Officio Members	Appointed Members
<p>Chair – The Rt. Hon. Sir Mark Potter (President of the Family Division)</p> <p>Jane Booth – CAFCASS Dafydd Ifans – CAFCASS Cymru Peter Clarke – Children’s Commissioner for Wales Mark Ormerod – Department for Constitutional Affairs Bruce Clark – Department for Education and Skills Amy Nicholas – Department of Health Janet Douglas – Foreign and Commonwealth Office Diana Luchford – Home Office Angela Lake-Carroll – Legal Services Commission Sheridan Greenland – HM Courts Service Terry Grange – Association of Chief Police Officers</p>	<p>Deputy Chair – The Rt. Hon. Lord Justice Thorpe</p> <p>The Honourable Dame Florence Baron DBE – High Court Judge (Family Division) Her Honour Judge Lesley Newton – Circuit Judge (Family Court) District Judge Nicholas Crichton – District Judge (Magistrates Courts) with Family Jurisdiction District Judge Marilyn Mornington – District Judge (Family Court) Malcolm Richardson – Magistrate (Family Proceedings Court) Jane Craig – Family Solicitor Katherine Gieve – Family Solicitor Stephen Cobb QC – Family Barrister Khatun Sapnara – Family Barrister Elaine Laken – Justices Clerk Paul Clark – Director of Children’s Services (Harrow) Dr Rosalyn Proops – Paediatrician Dr Danya Glaser – Child Mental Health Specialist Professor Judith Masson – Academic Mary MacLeod – Consumer View – Parents Professor Corrine May-Chahal – Consumer View – Children Vicky Leach – Family Mediator</p>

Funding of the Family Justice Council

9. The Council is funded by the Department for Constitutional Affairs under the sponsorship of the Family Justice Division. The budget holder will be the Chief Executive of the Council. The budget is agreed between the Chief Executive of the Council and the policy sponsor in accordance with Government spending rounds. The Chief executive is responsible for maintaining governance and financial control systems.
10. For the financial year 2006–07, the Family Justice Council’s budget is £327,298, which covers the salaries of the Council Secretariat and operational running costs.

Structure of the Family Justice Council

11. Much of the work of the Family Justice Council is carried out through its committees.
12. There are three main committees:
 - Children in Safeguarding Proceedings (Children Act 1989 and Adoption and Children Act 2002);
 - Children in Families (Children Act 1989 and Family Law Act 1996); and
 - Money and Property (Matrimonial Causes Act 1973).

In addition there is an Executive Committee, an Experts Committee, an Education and Training Committee and Working Groups on Domestic Violence, Contact, Voice of the Child and Transparency.

Staffing

13. The Family Justice Council has a permanent staff of five in its Secretariat:
- The Chief Executive/Policy Officer (Span 8);
 - The local Family Justice Council liaison officer (Span 8);
 - The Assistant Chief Executive (Span 6);
 - An Executive Assistant (Span 4); and
 - An Administrative Assistant (Span 3).

Ministerial Priorities

14. As an advisory group, the Council's work will take account of Ministerial priorities for family justice. These are currently:
- Care case resolution including but not limited to delay;
 - Contact and Residence and the Relationship Breakdown Programme; and
 - Civil/Family jurisdiction aspects of domestic violence.

Local Family Justice Councils

15. In the latter part of 2005, Local Family Justice Councils were set up in each of the 42 Courts Service areas in England and Wales. All are currently chaired by a specialist Family Judge and membership is drawn from a wide range of representatives from the various agencies and professions involved in the family justice system at local level. The 3 key roles for the LFJCs are:
- To highlight and address local issues to improve the delivery of family justice, including organising training events;
 - To respond to key issues raised by the FJC, highlighting any local problems and detailing any local initiatives set up to address those difficulties; and
 - To create a reciprocal exchange of information and ideas between Local Councils and the FJC.
16. In support of the LFJCs, each HMCS Regional Director has been supplied with funds to provide administrative assistance and a small budget to facilitate training events.

FAMILY JUSTICE COUNCIL OBJECTIVES AND ACTIVITIES 2006-07

STRATEGIC OBJECTIVE 1

To establish effective links with and support to the Local Family Justice Councils

Supporting Activity	Owner	Aim	Target Date
1. Establish national picture in relation to the functioning and effectiveness of local Family Justice Councils (LFJCs) via contacts and visits	Executive Committee / Local Family Justice Council Liaison Officer	To establish what further support or guidance is necessary	Ongoing but to be completed by March 2007
2. Set up sponsorship arrangements for LFJCs	Deputy Chairman	To provide links between the national and local councils	May 2006
3. Establish mechanism for communicating local concerns to the FJC	Deputy Chairman	To reinforce the links between national and local councils	June 2006
4. Set up LFJC newsletter to communicate important matters and good practice	Deputy Chairman	To assist LFJC in their work and to ensure the dissemination of good practice	June 2006 and then ongoing
5. Update and maintain the FJC website as an information source for local FJCs and other users	Chief Executive / Local Family Justice Council Liaison officer	To offer information about the Family Justice Council and the Family Justice system, including details of FJC meetings and links to research and other organisations	June 2006

STRATEGIC OBJECTIVE 2

To implement the recommendations of the Spencer review of the national council

Supporting Activity	Owner	Aim	Target Date
1. Provide information required to Sponsoring Department for Appointment of new Chief Executive	Secretariat	New full time Chief Executive to be in place	July 2006
2. Review of committees	Executive Committee and Secretariat	Committees to be reorganised and rationalised	New structures to be agreed by April 2006
3. Expansion of secretariat role	Chief Executive	Secretariat will support work of the council through research, communication with relevant government departments and other organisations to ensure that the Council can be fully aware of all issues relevant to Family Justice	Ongoing and to be finalised following appointment of new Chief Executive

STRATEGIC OBJECTIVE 3

To examine the use and role of experts in the Family Justice System

Supporting Activity	Owner	Aim	Target Date
1. Address concerns of supply and quality of experts	Chair of Experts Committee	To work with other organisations to develop appropriate training and educational opportunities	Ongoing – RCPCH Course Pilot early 2007
2. Establish working relationships with professional groups and colleges who provide expert evidence	Chair of Experts Committee	Agree organisations to be included; establish links with relevant disciplines, including (but not limited to) Psychology, Royal Colleges of Psychiatry, Paediatrics, Radiology and Association of Psychologists	Ongoing
3. Address the problems of appropriate instructions to experts	As above	Confirm and promote the use of the draft revised instructions to experts within the revised protocol	Ongoing
4. To receive the Chief Medical Officer's report	As above	Consider and respond when available	Ongoing
5. To consider the use of video link facilities for experts	As above	To promote the use of video-link facilities	September 2006
To consider the use and delivery of expert reports electronically		To develop good practice guidance relating to both technologies	March 2007
6. To link with the Family Procedure Rules Committee Expert working party	Member of Experts Committee who is a member of both groups	To ensure harmonisation of interests	Ongoing

STRATEGIC OBJECTIVE 4

To identify and address major issues of concern in proceedings safeguarding children
(Public Law and Adoption)

Supporting Activity	Owner	Aim	Target Date
1. To support improvements in the conduct of care and adoption proceedings in the interests of children and families	Chair of Children in Safeguarding Proceedings Committee	To contribute to changes in the structure of care proceedings being developed in the DCA/DfES review and by the Judicial Review of the Public Law Protocol; to respond to the Care Review; to provide guidance and assistance to practitioners through LFJCs in implementing agreed recommendations for change	To contribute to response to DCA/DfES care review in accordance with the timetable Provision of guidance and assistance by early 2007
2. To support good quality representation of parties in care proceedings	Chair of Children in Safeguarding Proceedings Committee	To provide information to Lord Carter's review of Legal Aid to enable them to understand the complex context in which legal services are provided	Response to Carter questions end April 2006 Response to any new scheme for consultation in accordance with the time table
3. To consider initiatives not at present on the agenda to improve the conduct of care proceedings	Chairs of Children in Safeguarding Proceedings Committee and Experts Committee	Examining the following: Early involvement of health professionals in the analysis of key issues; speed of decision-making by police and CPS where there are parallel criminal proceedings; Impact of LA panel system on delay in decision-making; children of asylum seekers; and relationship with Home Office	End 2006/ early 2007

STRATEGIC OBJECTIVE 4 *(continued)*

To identify and address major issues of concern in proceedings safeguarding children
(Public Law and Adoption)

Supporting Activity	Owner	Aim	Target Date
4. To inform the FJC of key issues in care and adoption proceedings	Chair of Children in Safeguarding Proceedings Committee	Reporting back and preparing digests where relevant; preparing submissions for approval, responding to issues arising from other subcommittees e.g. transparency	Ongoing
5. Provide LFJCs (through the FJC) with information to understand the context of decision making and developments in practice, to develop & support local good practice & contribute to decision-making	Chairs of all Committees and Local Family Justice Council liaison officer	Providing through news letters and in direct emails to LFJCs information about consultations and developments	First newsletter will be issued in May 2006 and every other month thereafter

STRATEGIC OBJECTIVE 5

To ensure better outcomes for parties and children in Private Law Proceedings

Supporting Activity	Owner	Aim	Target Date
1. To identify local best practice which could be adopted nationally through liaison with Local Family Justice Councils	Domestic Violence lead and Diversity lead	To increase early identification of and address the needs of, families who may be at risk because of domestic violence including the special needs of those from BME communities	Summer 2006
2. To consider the implications of Lord Justice Wall's report on child homicide	Chair of Children in Families Committee and Domestic Violence lead	To report and make recommendations to the President of the Family Division as to the approach courts should adopt on proposed consent orders in contact cases where domestic violence is an issue	Report to be submitted by October 2006
3. Assistance to Local Family Justice Councils in awareness raising about the issues raised in HMICA thematic report on domestic violence	Domestic Violence lead	Dissemination of key issues and good practice and guidance re domestic violence	Autumn 2006
4. Consider relevant research evidence and consult with Local Family Justice Councils	Voice of the Child lead	Provide advice to the President of the Family Division on the desirability or otherwise of, feasibility of and changes necessary for enabling Judges to see children in the course of proceedings	Provision of report to the President by October 2006

STRATEGIC OBJECTIVE 5 (continued)

To ensure better outcomes for parties and children in Private Law Proceedings

Supporting Activity	Owner	Aim	Target Date
5. By liaison with Local Family Justice Councils and member agencies collate and disseminate practice information	Chair of Children in Families Committee	To advise and assist with the development of good practice models in the implementation of the President's Private Law Programme	Ongoing
6. To gather information from research and liaison with user groups and with Local FJCs to raise awareness of users' views and experiences	Voice of the Child lead/ Consumer lead/ Diversity lead	To advise and assist those working in the family justice system to respond to the views and experiences of users	Research report to be submitted April 2007. Annual meeting with user organisations. Further work programme on diversity winter 2006/7

STRATEGIC OBJECTIVE 6

To identify and address major issues which affect families in relation to financial and property matters

Supporting Activity	Owner	Aim	Target Date
1. To review, consider and report on the potential reform and improvement of methods of child support and the potential role of ADR in child maintenance issues	Chair of the Money and Property Committee	To encourage an acceptance that the CSA requires wholesale reform and consider if there is a renewed potential for court proceedings	End of business year (end March 2007)
2. To consider aspects of the White Paper, Supporting Families (1998) including the role of pre-nuptial agreements and similar contracts in civil partnerships	Chair of the Money and Property Committee	To advise on whether (and to what extent) a) pre-nuptial contracts should be accepted as governing parties' rights when their relationship ends and b) there is an increasing need for the reform of s25 of the MCA 1973	End of business year (end March 2007)
3. To consider the role of court-led dispute resolution in financial matters, including the dissemination of best practice from and through LFJCs	Chair of the Money and Property Committee	To advise and assist the LFJCs to promote a uniform approach to FDRs	End of business year (end March 2007)
4. To consider and make recommendations to the FJC	Chair of the Money and Property Committee and Chair of the Children in Families Committee	To respond to the Law Commission's paper on the law relating to cohabitants	By 30 September 2006

ANNEX E

QUESTIONS IN LETTERS OF INSTRUCTION TO CHILD MENTAL HEALTH PROFESSIONAL OR PAEDIATRICIAN IN CHILDREN ACT 1989 PROCEEDINGS

A. The Child(ren)

1. Please describe the child(ren)'s current health, development and functioning (according to your area of expertise), and identify the nature of any significant changes which have occurred:
 - Behavioural
 - Emotional
 - Attachment organisation
 - Social / peer / sibling relationships
 - Cognitive / educational
 - Physical
 - Growth, eating, sleep
 - Non-organic physical problems (including wetting and soiling)
 - Injuries
 - Paediatric conditions
2. Please comment on the likely explanation for / aetiology of the child(ren)'s problems / difficulties / injuries:
 - History / experiences (including intrauterine influences, and abuse and neglect)
 - Genetic / innate / developmental difficulties
 - Paediatric / psychiatric disorders
3. Please provide a prognosis and risk if difficulties not addressed above.
4. Please describe the child(ren)'s needs in the light of the above:
 - Nature of care-giving
 - Education
 - Treatment

in the short and long term (subject, where appropriate, to further assessment later).

B. The parents/primary care-givers

5. Please describe the factors and mechanisms which would explain the parents' (or primary care-givers') harmful or neglectful interactions with the child(ren) (if relevant).
6. What interventions have been tried and what has been the result?
7. Please assess the ability of the parents or primary care-givers to fulfil the child(ren)'s identified needs now.
8. What other assessments of the parents or primary care-givers are indicated:
 - Adult mental health assessment
 - Forensic risk assessment
 - Physical assessment
 - Cognitive assessment

9. What, if anything, is needed to assist the parents or primary care-givers now, within the child(ren)'s time scales and what is the prognosis for change:
- Parenting work
 - Support
 - Treatment / therapy

C. Alternatives

10. Please consider the alternative possibilities for the fulfilment of the child(ren)'s needs:
- What sort of placement
 - Contact arrangements

Please consider the advantages, disadvantages and implications of each for the child(ren).

QUESTIONS IN LETTERS OF INSTRUCTION TO ADULT PSYCHIATRISTS IN CHILDREN ACT 1989 PROCEEDINGS

1. Does the parent / adult have a mental illness / disorder (including substance abuse) and if so, what is the diagnosis?
2. Does the parent's / adult's history or presentation indicate any features of personality disorder?
3. How do either / both of the above (and their current treatment if applicable) affect his / her functioning, including interpersonal relationships?
4. If the answer to Q 1 or 2 is yes, are there any features of either the mental illness or personality disorder which could be associated with risk to others, based on the available evidence base?
5. What are the experiences / antecedents / aetiology which would explain his / her difficulties, if any?
6. What treatment is indicated, what is its nature and the likely duration?
7. What is his / her capacity to engage in / partake of the treatment / therapy?
8. Are you able to indicate the prognosis for, time scales for achieving, and likely durability, of change?
9. What other factors might indicate positive change?

(It is assumed that this opinion will be based on collateral information as well as interviewing the adult).



HOW TO CONTACT THE FAMILY JUSTICE COUNCIL

The Family Justice Council can be contacted at

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Website www.family-justice-council.org.uk

The Family Justice Council welcomes and indeed encourages general comments from members of the public on the operation of the family justice system. It is, however, entirely an advisory body and has no power to make changes in that system. In addition it cannot comment on any individual court action or dispute, the conduct of any legal practitioner or judge and is unable to provide legal or procedural advice.

Further information about the Council's work is available on the Council's website including:

- Summaries of Council and Committee meetings
- The membership of the Council and its Committees
- Copies of responses to consultation papers and other relevant documents
- Copies of the Council's Annual reports